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Sixty-sixth session

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43rd plenary meeting
Wednesday, 26 October 2011, 10 a.m.
New York

President: Mr. Al-Nasser ..... (Qatar)

The meeting was called to order at 10.25 a.m.

Agenda item 3 *(continued)*

Credentials of representatives to the sixty-sixth session of the General Assembly

(b) Report of the Credentials Committee

Second report of the Credentials Committee (A/66/360/Add.1)

The President (*spoke in Arabic*): The draft resolution recommended by the Credentials Committee in paragraph 11 of its report reads as follows:

"The General Assembly,

"Having considered the second report of the Credentials Committee and the recommendation contained therein,

"Approves the second report of the Credentials Committee."

I now give the floor to the Chairman of the Credentials Committee, His Excellency Mr. Pablo Antonio Thalassinós of Panama.

Mr. Thalassinós (Panama), Chairman of the Credentials Committee: I have the honour to introduce the second report of the Credentials Committee for the sixty-sixth session of the General Assembly.

Members will recall that the General Assembly approved the first report of the Credentials Committee (A/66/360) at its meeting on 16 September, pursuant to resolution 66/1.

The General Assembly now has before it the second report of the Committee, dated 20 October 2011 (A/66/360/Add.1), concerning the credentials of representatives of Member States to the sixty-sixth session of the General Assembly other than the credentials of the representatives contained in the first report.

As the second report of the Credentials Committee indicates, the Committee decided, after having examined the credentials of those representatives to the sixty-sixth session listed in the report, to accept the credentials of all the representatives of the Member States concerned. This proposal was adopted without a vote.

I would also like to recall that, since the adoption of the report by the Credentials Committee, the following Member States have submitted formal credentials in the form required by rule 27 of the rules of procedure of the General Assembly: Moldova, Mauritania, Ukraine and Uzbekistan.

Finally, I would request that the General Assembly proceed to approve the second report of the Credentials Committee as contained in document A/66/360/Add.1.

The President (*spoke in Arabic*): The General Assembly will now take action on the draft resolution recommended by the Credentials Committee in paragraph 11 of its report (A/66/360/Add.1).

The Credentials Committee adopted the draft resolution entitled "Credentials of representatives to

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the sixty-sixth session of the General Assembly" without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 66/1 B).

The President (*spoke in Arabic*): The General Assembly has thus concluded this stage of its consideration of sub-item (b) of agenda item 3.

Agenda item 72

Report of the International Court of Justice

Report of the International Court of Justice (A/66/4)

Report of the Secretary-General (A/66/295)

The President (*spoke in Arabic*): The General Assembly will now consider the report of the International Court of Justice covering the period 1 August 2010 to 31 July 2011, which is contained in document A/66/4. May I take it that the General Assembly takes note of the report of the International Court of Justice?

It was so decided.

The President (*spoke in Arabic*): In connection with this item, the Assembly also has before it a report of the Secretary-General, circulated in document A/66/295, on his Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice.

It is now my great honour to welcome to United Nations Headquarters His Excellency Mr. Hisashi Owada, President of the International Court of Justice, and to give him the floor.

Mr. Owada, President of the International Court of Justice: It is an honour and privilege for me to address the General Assembly for the third time as President of the International Court of Justice on the report of the International Court of Justice for the period from 1 August 2010 to 31 July 2011 (A/66/4). I wish to take this opportunity to congratulate you, Ambassador Al-Nasser, on your election as President of the Assembly at its sixty-sixth session, and to wish you every success in your office.

I would now like, as is traditional, to present a succinct review of the judicial activities of the Court during the past year, that is, from October of last year to September this year.

The international community of States continues to bring a wide variety of legal disputes to the Court. Since I addressed the Assembly in October 2010 (see A/65/PV.38), the Court has altogether rendered four judgments and three orders. They are a judgment on the merits in the case concerning *Ahmadou Sadio Diallo (Republic of Guinea* v. *Democratic Republic of the Congo)*; one order on provisional measures, in the case concerning *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica* v. *Nicaragua)*; a judgment on preliminary objections in the case concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia* v. *Russian Federation)*; two judgments denying requests for intervention in the case concerning *Territorial and Maritime Dispute (Nicaragua* v. *Colombia)*, respectively filed by Costa Rica and Honduras; as well as an order granting an application for permission to intervene in the case concerning *Jurisdictional Immunities of the State (Germany* v. *Italy)*, filed by Greece; and an order on provisional measures in the case concerning *Request for Interpretation of the Judgment of 15 June 1962 in the Case concerning the Temple of Preah Vihear (Cambodia* v. *Thailand) (Cambodia* v. *Thailand)*. These cases have involved States from all regions of the world, and have raised a broad range of legal questions.

Let me recapitulate them one by one in strict chronological order. First, on 30 November 2010, the Court rendered its judgment on the merits in the case concerning *Ahmadou Sadio Diallo (Republic of Guinea* v. *Democratic Republic of the Congo)*. As will no doubt be recalled, this case concerned alleged violations of the rights of Mr. Diallo, a Guinean citizen who settled in the Democratic Republic of the Congo in 1964 and founded two companies: Africom-Zaire and Africontainers-Zaire. At the end of the 1980s, Africom-Zaire and Africontainers-Zaire, acting through their *gérant*, Mr. Diallo, instituted proceedings against their business partners in an attempt to recover various debts. The disputes over the debts continued throughout the 1990s and remained largely unresolved. On 25 January 1988, Mr. Diallo was arrested and imprisoned and released a year later. On 5 November 1995, Mr. Diallo was again arrested and placed in detention with a view to his expulsion, which was carried out on 31 January 1996.

In its prior judgment of 24 May 2007 on preliminary objections, the Court had held the application of the Republic of Guinea to be admissible insofar as it concerned the protection of Mr. Diallo's rights as an individual and the protection of Mr. Diallo's direct rights as *associé* in Africom-Zaire and Africontainers-Zaire, but declared it inadmissible insofar as the application concerned the protection of Mr. Diallo in respect of alleged violations of rights of Africom-Zaire and Africontainers-Zaire.

In its final judgment of 30 November 2010, which is the subject matter of the report today, the first question was that of the protection of Mr. Diallo's rights as an individual. As a preliminary matter, the Court found that the claim relating to Mr. Diallo's arrest and detention in 1988 to 1989 should be excluded from its consideration, as it had not been raised by Guinea until its reply and was neither implicit in the original application nor arose directly out of a question in that application, which concerned events in 1995 to 1996.

On that basis, the Court considered Guinea's claim that the circumstances in which Mr. Diallo was arrested, detained and expelled during the period 1995 to 1996 constituted a breach by the Democratic Republic of the Congo of its international obligations. Guinea argued that Mr. Diallo's expulsion from the Democratic Republic of the Congo breached article 13 of the International Covenant on Civil and Political Rights and article 12, paragraph 4, of the African Charter on Human and Peoples' Rights.

On this point, the Court observed that, in order to comply with those provisions, the expulsion of an alien lawfully in the territory of a State which is a party to those instruments must be decided in accordance with applicable domestic law and must not be arbitrary in nature. The Court held that the expulsion decree of 31 October 1995 did not comply with Congolese law and that the expulsion was therefore in violation of article 13 of the International Covenant on Civil and Political Rights and article 12, paragraph 4, of the African Charter. The Court also found that Mr. Diallo's right, afforded by article 13 of the Covenant, to have his case reviewed by a competent authority had not been respected, and that the Democratic Republic of the Congo had not demonstrated compelling reasons of national security to justify the denial of that right.

Furthermore, the Court held that Mr. Diallo's arrests and detention also violated article 9 of the Covenant and article 6 of the African Charter, concerning liberty and security of the person. It found that the deprivations of liberty suffered by Mr. Diallo did not take place in accordance with the law of the Democratic Republic of the Congo, that they were arbitrary, and that Mr. Diallo had not been informed, at the time of his arrests, of the reasons for those arrests or the charges against him. In addition, the Court found that the Democratic Republic of the Congo had also violated article 36, paragraph 1 (b) of the Vienna Convention on Consular Relations by not informing Mr. Diallo, at the time of his arrests, of his right to request consular assistance from his country.

On the other hand, with regard to the claim of Guinea that Mr. Diallo was subjected to inhuman or degrading treatment while in detention, the Court concluded that Guinea had failed to establish that such had been the case.

The second question that the Court dealt with in accordance with the disposition of the earlier judgment was the question of the protection of Mr. Diallo's direct rights as *associé* in Africom-Zaire and Africontainers-Zaire. On this question, the Court considered Guinea's claim that the Democratic Republic of the Congo had committed several internationally wrongful acts that engaged its responsibility towards Guinea, in particular the claim that there had been breaches of Mr. Diallo's right to take part and vote in general meetings, of his rights relating to the *gérance* of the companies, of his right to oversee and monitor that management and the right to property of Mr. Diallo over his *parts sociales* — that is, the shares — in the companies. The Court found that the alleged rights of Mr. Diallo as *associé* were not legally denied, even though their exercise may have been made more difficult by the Democratic Republic of the Congo's expulsion of Mr. Diallo. The Court did not find that any of those claimed breaches had occurred.

In the light of the circumstances of the case, in particular the fundamental character of the human rights obligations breached, the Court upheld Guinea's claim for reparation in the form of compensation for the injury suffered by Mr. Diallo.

Secondly, the next decision rendered by the Court in the period under review was its order of 8 March 2011 on the request for the indication of provisional

measures, pursuant to Article 41 of the Statute of the Court, in the case concerning *Certain Activities Carried Out by Nicaragua in the Border Area (Costa Rica* v. *Nicaragua)*. The case was brought by Costa Rica by an application filed on 18 November 2010, in which it founded the jurisdiction of the Court on article XXXI of the Pact of Bogotá and on the declarations made by the two States pursuant to Article 36, paragraph 2, of the Statute. The application was filed in regard to an alleged "incursion into, occupation of and use by Nicaragua's Army of Costa Rican territory as well as breaches of Nicaragua's obligations towards Costa Rica". Costa Rica claimed that Nicaragua had occupied the territory of Costa Rica on two separate occasions in connection with the construction of a canal, as well as certain related works of dredging on the San Juan River.

Pending the determination of the case on the merits, Costa Rica requested the Court to order, as provisional measures, that Nicaragua not station troops or other personnel, engage in the construction or enlargement of a canal, fell trees, remove vegetation or dump sediment in the area concerned; that Nicaragua suspend its dredging programme; and that Nicaragua refrain from any other action that might prejudice the rights of Costa Rica.

In its order on provisional measures of protection, the Court determined that the instruments invoked by Costa Rica appeared, prima facie, to afford a basis on which the Court had jurisdiction to rule on the merits, enabling it to indicate provisional measures if it considered that the circumstances so required. The Court also found that the rights to be protected by those requested measures — in particular the right to assert sovereignty over a contested area along the boundary — were plausible and that a link existed between the rights the protection of which was being sought and the provisional measures requested.

On the basis of that finding that it had the power to indicate provisional measures, the Court proceeded to examine whether there was a real and imminent risk that irreparable prejudice might be caused to the rights in dispute before the Court had given its final decision, and found that, given that Nicaragua intended to carry out certain activities, if only occasionally, in the contested area, a real risk of irreparable prejudice to Costa Rica's claimed title to sovereignty over the said territory did exist. It further found that the situation gave rise to a real and present risk of incidents liable to cause irremediable harm in the form of bodily injury or death.

On the basis of those findings, the Court decided to indicate provisional measures to both of the parties, ordering that each party refrain from sending to or maintaining in the disputed territory any personnel, whether civilian, police or security, until such time as the dispute on the merits had been decided or the parties had come to an agreement on the subject.

In addition, the Court held that Costa Rica may dispatch civilian personnel charged with the protection of the environment of the disputed territory, insofar as it is necessary to avoid irreparable prejudice being caused to the part of the wetland where that territory is situated, on the condition that Costa Rica consult with the secretariat of the Ramsar Convention on Wetlands in regard to those actions, and give Nicaragua prior notice of them. The Court also ordered that each party refrain from any action that might aggravate or extend the dispute before the Court or make it more difficult to resolve, and that each party inform the Court as to its compliance with the provisional measures.

Thirdly, the third decision of the Court related to its judgment of 1 April 2011 on preliminary objections in the case concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia* v. *Russian Federation)*. As members no doubt recall, proceedings in that case were instituted on 12 August 2008, when Georgia brought a case against the Russian Federation, alleging a violation by the latter of the 1965 International Convention on the Elimination of All Forms of Racial Discrimination (CERD). Georgia founded the jurisdiction of the Court on article 22 of that Convention.

The Court gave its judgment in 2008 on the application in respect to provisional measures of protection, finding that it had prima facie jurisdiction. In the next phase of the case, which is the present phase, the Russian Federation raised four preliminary objections to the Court's jurisdiction under article 22 of CERD. Its objections were, first, that no dispute between the parties existed concerning the interpretation or application of CERD; secondly, that the procedural requirements of article 22 of CERD had not been fulfilled; thirdly, that the alleged wrongful conduct had taken place outside the territory of the Russian Federation, and thus the Court lacked

jurisdiction ratione loci, and fourthly, that any jurisdiction that the Court might have was limited ratione temporis to events that had occurred after the entry into force of CERD between the parties on 2 July 1999.

The Court examined the Russian Federation's first preliminary objection in relation to events during three distinct time periods. With respect to the first period, which was the period before CERD had entered into force between the parties on 2 July 1999, the Court concluded that there was no evidence of the existence of a dispute about racial discrimination during that period and that even if a dispute had been found to have existed, it could not have been a dispute between the parties with respect to the interpretation or application of CERD.

With regard to the second period, from the time when CERD entered into force between the parties and before the beginning of armed conflict between the parties in early August 2008, the Court reviewed the documents and statements during that period and concluded that none of the documents or statements from that period provided any basis for a finding that there was a dispute between Georgia and the Russian Federation with respect to the interpretation and application of CERD during that time frame.

With respect to the events that occurred during the third period, August 2008 — in particular after the armed hostilities in South Ossetia that began during the night of 7 and 8 August — the Court found that, while Georgia's claims were primarily focused on allegations of unlawful use of force, they also expressly referred to ethnic cleansing by Russian forces. All of those claims had been made against the Russian Federation directly and had been rejected by the latter. The Court therefore concluded that, by 12 August 2008, there was a dispute between Georgia and the Russian Federation about the latter's compliance with its obligations under CERD. The Court accordingly dismissed the Russian Federation's first preliminary objection.

The Court then examined the Russian Federation's second preliminary objection, concerning the procedural requirements under article 22 of CERD, which provides that

> "[a]ny dispute ... which is not settled by negotiation or by the procedures expressly provided for in this Convention, shall ... be referred to the International Court of Justice for decision".

The Court found, based on an analysis of the ordinary meaning of the phrase used, that article 22 did establish certain preconditions to be fulfilled before the applicant could seize the Court on the basis of article 22.

On that basis, the Court examined whether such preconditions had been met. In the instant case, with regard to the requirement to follow "the procedures expressly provided for" in CERD, the Court noted that both sides agreed that, prior to the seizing of the Court, Georgia did not claim that it had used or attempted to use that mode of dispute resolution. The Court therefore focused on the question of whether negotiation was a required precondition and, if so, whether that condition had been fulfilled. It observed, in the light of its finding on the first preliminary objection, that the dispute had arisen only as of 9 August 2008, and that the issue could be examined in relation to the period between that date and 12 August 2008, when the application was filed.

After reviewing the facts in the record relating to that period, the Court found that, although certain claims and counterclaims had been made by the parties during that period concerning ethnic cleansing, which might evidence the existence of a dispute as to the interpretation and application of CERD, they did not amount to attempts at negotiations by either party. The Court therefore concluded that Georgia had not established that, in the relevant period, it had attempted to negotiate CERD-related matters with the Russian Federation, and that Georgia and the Russian Federation had engaged in negotiations with respect to the latter's compliance with its substantive obligations under CERD.

Having determined that the requirement established in article 22 had not been satisfied, the Court concluded that it did not need to determine whether the two conditions set out in article 22 were cumulative or alternative. The Court accordingly held that article 22 of CERD could not serve to found the Court's jurisdiction, and upheld the Russian Federation's second preliminary objection. It therefore concluded that the case could not proceed to the merits phase, noting that it did not need to consider the Russian Federation's third or fourth preliminary objections.

Let me now turn to the two judgments of 4 May 2011 relating to the requests to intervene in the case concerning the *Territorial and Maritime Dispute (Nicaragua* v. *Colombia)*, filed by Costa Rica and Honduras, respectively.

The principal case between Nicaragua and Colombia concerns the disputed sovereignty over several maritime features in the Caribbean Sea, as well as the plotting of the maritime boundary between the parties. On 25 February and 10 June 2010, respectively, Costa Rica and Honduras filed requests for permission to intervene in the case.

In its application, Costa Rica stated that it sought to intervene as a non-party for the purpose of informing the Court of the nature of its legal rights and interests and of seeking to ensure that the Court's decision regarding the maritime boundary between Nicaragua and Colombia did not affect those rights and interests.

In its judgment of 4 May on whether to grant Costa Rica's application to intervene, the Court first defined the legal framework for intervention provided for under Article 62 of its Statute and article 81 of the Rules of Court.

The Court examined whether Costa Rica had established an interest of a legal nature that may be affected by the decision in the main proceedings. The Court accepted that although Nicaragua and Colombia differed in their assessments as to the limits of the area in which Costa Rica might have a legal interest, they both recognized the existence of Costa Rica's interest of a legal nature in at least some areas claimed by the parties to the main proceedings.

However, the Court, in examining whether Costa Rica had established that the interest of a legal nature that it had set out was one which "may be affected" by the decision of the Court in the main proceedings, concluded that Costa Rica had not succeeded in establishing that point. The Court stated that, in accordance with its consistent practice, when drawing a line delimiting the maritime areas between the parties to the main proceedings, that it would, whenever necessary, end the line in question before it reached an area in which the interests of a legal nature of third States might become involved. In that situation, the Court held that Costa Rica's application for permission to intervene in the case could not be granted.

Honduras, in its application, made it clear that it primarily sought to be permitted to intervene in the pending case as a party. It was only if the Court did not accede to that request that Honduras requested, in the alternative, to be permitted to intervene as a non-party.

In its judgment of 4 May 2011 on whether to grant the application of Honduras to intervene, the Court devoted a significant part of its analysis to the question of intervention as a party.

The Court noted that while neither Article 62 of the Statute nor article 81 of the Rules of Court specified the category in which a State might seek to intervene — namely, as a party or as a non-party — it is accepted by the case law of the Court that a State might be permitted to intervene either as a non-party or as a party. The Court pointed out, however, that whatever the capacity in which a State is seeking to intervene, whether as a party or a non-party, it must fulfil the condition laid down by Article 62 of the Statute and demonstrate that it has an interest of a legal nature that might be affected by the future decision of the Court.

On that basis, the Court turned to an examination of whether Honduras had satisfied that condition. The area in which Honduras had specified that it had an interest of a legal nature that might be affected by the decision in the main proceedings was an area that had been the subject of the Court's judgment of 8 October 2007 in the case concerning *Territorial and Maritime Dispute between Nicaragua and Honduras in the Caribbean Sea (Nicaragua* v. *Honduras)*. The question on which the Court focused was whether that judgment of 2007, to which Honduras was a party, barred it from making the request to intervene in a case in which Honduras claimed to have an interest of a legal nature.

The Court decided that by virtue of the principle of res judicata, as applied to the judgment of 8 October 2007, Honduras could not have an interest of a legal nature in the area south of the maritime boundary line established by the Court in that decision. With respect to the area north of that boundary line, the Court concluded that Honduras could have no interest of a legal nature that might be affected by the decision in the main proceedings for the simple reason that neither of the parties to the new proceedings, Nicaragua nor Colombia, was contesting the rights of Honduras over that area.

The Court held that Honduras had no interest of a legal nature that might be affected in any of the maritime areas it had identified in its application. The Court further observed that Honduras could not claim an interest of a legal nature in the effects that the decision of the Court in the main proceedings might have on the rights of Honduras under the 1986 Maritime Delimitation Treaty, which had been agreed between Honduras and Colombia, inasmuch as it was a bilateral treaty and the matter was exclusively between Honduras and Colombia and as such had no relevance to the Court's eventual determination of the maritime boundary between Nicaragua and Colombia. For those reasons, the Court held that the Honduran application for permission to intervene in the case, either as a party or as a non-party, could not be granted.

Now I will move to the fifth case. That case, in which the Court handed down its decision in the form of an order on 4 July 2011, relates to a request to intervene by Greece in the case concerning *Jurisdictional Immunities of the State (Germany* v. *Italy)*.

The Hellenic Republic filed an application for permission to intervene in that case on 13 January 2011. The main proceedings to which the application relates concern a dispute over whether Italy has violated the jurisdictional immunity of Germany by allowing civil claims against it in Italian courts based on violations of international humanitarian law by the Third Reich during the Second World War.

The basis for Greece's application to intervene was that it had an interest of a legal nature to the extent that the Court, in the decision it would be called upon to render in the case between Germany and Italy, would rule on the question of whether a judgment handed down by a Greek court can be enforced on Italian territory, having regard to Germany's jurisdictional immunity. Greece stated that the decision of the Court as to whether Italian and Greek judgments for which the Italian Court had given judgment to enforce in Italy may be enforced in Italy was directly and primarily of interest to Greece and could affect its interest of a legal nature.

The Court took the position that, in a judgment that it would render in the main proceedings between Germany and Italy, it might find it necessary to consider also the decisions of Greek courts in the context of the principle of State immunity — which was the issue in the main proceedings — for the purposes of examining the request in Germany's submissions relating to the issue of whether Italy committed a breach of Germany's jurisdictional immunity by declaring Greek judgments as enforceable in Italy. Given that possibility, the Court held that this element was sufficient to conclude that Greece had an interest of a legal nature that may be affected by the judgment in the main proceedings. The request for intervention was therefore granted.

Greece having fulfilled the criteria for intervention laid down in article 81 of the Rules of Court, the Court granted its request to intervene as a non-party, insofar as the intervention would be limited to decisions relating to illegal acts committed by Germany during the Second World War rendered by Greek domestic courts and declared enforceable by Italian courts. The request having been granted, the Court gave its decision in the form of an order of a procedural nature, specifying the forms of procedure to follow, rather than in the form of a judgment, as it was in the two previous judgments that I discussed earlier in this report.

Let me turn now to the sixth case — an order on provisional measures handed down by the Court on 18 July 2011 in the case concerning the *Request for Interpretation of the Judgment of 15 June 1962 in the Case concerning the Temple of Preah Vihear (Cambodia* v. *Thailand) (Cambodia* v. *Thailand)*. The case was brought before the Court by Cambodia.

Cambodia filed a request for interpretation of an earlier judgment rendered by the Court on 15 June 1962, under Article 60 of the Statute of the Court, on 28 April 2011. Cambodia claimed that a dispute existed between the parties as to the meaning and scope of the 1962 judgment. In the 1962 judgment, the Court had found, inter alia, that Cambodia held sovereignty over the Temple of Preah Vihear, situated in the boundary area between Cambodia and Thailand.

On the same day that it filed its application for interpretation of the 1962 judgment, Cambodia also submitted a request for the indication of provisional measures in order to cause the incursions onto its territory by Thailand to cease, pending the Court's decision on the request for interpretation of the 1962 judgment.

At this stage of the proceedings, when the Court dealt with the request for provisional measures, it first

addressed the issue of whether a dispute appeared to exist as to the meaning or scope of the 1962 judgment, relating in particular, first, to the meaning and scope of the phrase "vicinity on Cambodian territory" as used in the operative clause of that judgment; secondly, to the nature of the obligation imposed on Thailand by the operative clause to withdraw any military or police forces, or other guards or keepers; and thirdly, to the issue of whether the judgment did or did not recognize with binding force the line shown on the map submitted by Cambodia in the original proceedings as representing the frontier between the two parties.

In its order of 18 July 2011, the Court held that the rights claimed by Cambodia, insofar as they were based on the 1962 judgment as interpreted by Cambodia, were plausible and that the necessary link between the alleged rights and the measures requested had been established. Examining whether there was a real risk of irreparable prejudice that might be caused to the rights which were in dispute, the Court concluded that because of the persistent tensions and absence of a settlement to the conflict, there was a real and imminent risk of irreparable prejudice being caused to the rights claimed by Cambodia, and that there was urgency.

On that basis, the Court decided to indicate provisional measures to both parties. In the order, the Court in particular established a provisional demilitarized zone, the coordinates of which were set out in its order, and ordered both parties immediately to withdraw their military personnel from that zone and to refrain from any military presence within that zone and from any armed activity directed at that zone.

The Court also ordered both parties, first, to continue the cooperation that they had entered into with the Association of Southeast Asian Nations and, in particular, to allow the observers appointed by the organization to have access to the provisional demilitarized zone; secondly, to refrain from any action that might aggravate or extend the dispute before the Court or make it more difficult to resolve; and thirdly and finally, to inform the Court as to compliance with the provisional measures. It also ordered Thailand not to obstruct Cambodia's free access to the Temple of Preah Vihear or Cambodia's provision of fresh supplies to its non-military personnel in the Temple.

Those are the cases that the Court has disposed of during the period covered by this presentation.

However, in addition to those seven decisions handed down during the 2010-2011 reporting period, the Court held hearings in March 2011 in the case concerning *Application of the Interim Accord of 13 September 1995 (the former Yugoslav Republic of Macedonia* v. *Greece)*. This case has completed its written and oral proceedings and is now under deliberation by the Court. I should also mention that, outside of the reporting period, the Court also completed and held hearings in the case concerning *Jurisdictional Immunities of the State (Germany* v. *Italy*; *Greece intervening)*, which is now under deliberation by the Court with a view to its final decision. In addition, the Court is currently considering the request for an advisory opinion made by the International Fund for Agricultural Development (IFAD) in respect of Judgment No. 2867 of the Administrative Tribunal of the International Labour Organization. Those three cases are now being dealt with by the Court on a parallel basis.

As can be seen, given the remarkable increase in the number of cases on its docket, the Court is now dealing with more than a few cases on a parallel basis, thereby making its best endeavour to eliminate a backlog of judicial work. Our current docket stands at 15 cases, most of which are still in the hands of the parties, who are presenting their written proceedings in advance of the oral hearings.

The two most recent cases filed during the reporting period in are the case concerning *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica* v. *Nicaragua)* and the case concerning the *Request for Interpretation of the Judgment of 15 June 1962 in the case concerning the Temple of Preah Vihear (Cambodia* v. *Thailand) (Cambodia* v. *Thailand)*. I know that the Court is making its best efforts to respond to the high expectations of the international community for an expeditious handling of the cases referred to the International Court of Justice.

This marks my final address to the Assembly as President of the International Court of Justice. It therefore seems an appropriate moment to reflect on the trust that the international community of States continues to place in the Court to handle a wide variety of legal disputes. States from all corners of the world, faithful to their attachment to international law, continue to have recourse to the Court to find judicial settlements of their disputes. In the three years of my presidency, the docket has never contained fewer than

15 cases. In fact, in the past 10 years the docket has averaged at least 15 cases, and sometimes as many as 28.

As is apparent from the overview I have given today of the Court's work in the past year, the substantive areas on which it is asked to rule are broader in scope than ever before, with each case presenting distinct legal and factual elements. Furthermore, cases are frequently made up of different incidental phases, from preliminary objections to provisional measures to requests for intervention and requests for interpretation. As a result, the Court has been consistently handling cases in parallel and shortening the time between the closure of written proceedings and the opening of the oral proceedings.

It is no exaggeration to say that all regions of the world have become closely intertwined. In this twenty-first century international politics are undeniably interconnected. A truly global economy has emerged, and the natural environment and global climate change have created new challenges. In these times of unprecedented interconnections between States and peoples, it is my sincere belief that a firm reliance on international law must underpin any and all future developments on the global stage. The International Court of Justice, as guardian of international law, is proud to play a vital role in our increasingly globalizing world.

It is my hope that Member States will continue to rely on the International Court of Justice to assist them in the pacific settlement of their disputes and that more States will accept the Court's jurisdiction, whether through a declaration under Article 36, paragraph 2, of the Statute, or through signatures of the many multilateral treaties that now contain compromissory clauses that refer to the Court disputes relating to interpretation or application of those treaties.

Let me conclude by offering my profound thanks not only for the opportunity to address the Assembly today, but also for the trust Members have placed in the Court over the past three years. I wish the Assembly a most productive sixty-sixth session.

The President: I thank the President of the International Court of Justice.

Mr. Kessel (Canada): On behalf of Australia, New Zealand and Canada, I would like to thank the President of the International Court of Justice, Judge Owada, for his excellent report on the work of the Court over the past year, and to express our appreciation to him and to the Vice-President, Judge Tomka, for their leadership of the Court. Judge Owada's report highlights the invaluable role that the Court plays in the peaceful resolution of disputes between States. Canada, Australia and New Zealand have always been, and will continue to be, strong supporters of the International Court of Justice as the principal judicial organ of the United Nations.

The past year was a busy one for the Court. As its annual report (A/66/4) indicates, 14 contentious cases and one advisory proceeding were on the Court's List during the past year. The Court deliberated four cases consecutively, and two new cases were initiated before it.

The cases before the Court cover an impressively wide range of issues, from environmental concerns to jurisdictional immunities of the State to violations of human rights, and a wide range of the countries around the world.

Despite the increasing complexity of the cases before it, the Court has managed to clear its backlog of cases. Canada, Australia and New Zealand are encouraged by the Court's continued commitment to ensuring the efficiency of its working methods.

The regional and subject-matter diversity of the contentious cases before the Court illustrates both the Court's universality and the ever-growing confidence of the international community in its decisions.

As noted in the report, the Court, as a court of justice and the principal judicial organ of the United Nations, occupies a special position in promoting the rule of law through its judgments and advisory opinions. Canada, Australia and New Zealand look forward to the International Court of Justice continuing to play its vital role in the peaceful settlement of international disputes and the promotion of the rule of law, as mandated by the Charter of the United Nations.

Wider acceptance of its compulsory jurisdiction enables the Court to fulfil its role more effectively. Accordingly, we continue to urge Member States that have not done so to deposit with the Secretary-General a declaration of acceptance of the Court's compulsory jurisdiction.

Mr. Ahamed (India): I would like to thank Judge Hisashi Owada, President of the International Court of

Justice, for his comprehensive and detailed report covering the judicial activities of the Court over the past year. I also thank him and Vice-President Judge Tomka for their leadership of the Court over that period.

India attaches the highest importance to the Court as the principal judicial organ of the United Nations. The peaceful resolution of disputes is fundamental to the maintenance of international peace and security. The Court has fulfilled that task admirably since its establishment and has acquired a well-deserved reputation as an impartial institution with the highest legal standards, in accordance with its mandate under the Charter of the United Nations.

The Court remains the only judicial body with legitimacy derived from the Charter and possessing universal character with general jurisdiction, while other international judicial institutions have competence and jurisdiction in specific areas only. The Statute of the Court is an integral part of the Charter of the United Nations, a unique status enjoyed only by the International Court of Justice.

One of the primary goals of the United Nations, as stated in the Preamble to the Charter, is to establish conditions under which justice and respect for the obligations of international law can be maintained. The International Court of Justice, as the only international Court with general jurisdiction in international law, is uniquely placed to fulfil that role.

The report of the Court (A/66/4) clearly illustrates the confidence that States have in it, as shown by the number and scope of cases entrusted to it. It also shows the Court's growing specialization in complex aspects of public international law and demonstrates the Court's universality and the great importance that Member States attach to it.

I am especially glad to see that the Court's docket of pending cases has grown consistently in recent years. It now stands at 17, involving more than 30 different States, as well as one request for an advisory opinion, as Judge Owada mentioned. The variety in the subject matter of recent cases, from territorial and maritime disputes to the obligation to prosecute or extradite, also demonstrates the significant role the Court plays in solving disputes between States and providing its opinion on important questions of international law.

The judgments delivered by the International Court of Justice have played an important role in the interpretation and clarification of rules of international law, as well as in the progressive development and codification of that law. In the performance of its judicial functions, the Court has remained highly sensitive in respecting States' political realities and sentiments, while acting within the provisions of the Charter, its own Statute and other applicable international law. It has contributed significantly to settling legal disputes between sovereign States, thus promoting the rule of law in international relations.

Since its inception, the Court has dealt with a variety of complex legal issues. It has pronounced judgment in areas covering territorial and maritime delimitation, diplomatic protection, environmental concerns, racial discrimination, violations of human rights, and the interpretation and application of international treaties and conventions. The Court's second function, of providing advisory opinions on legal questions referred to it by the organs of the United Nations and its specialized agencies, continues to fulfil the important role of clarifying key international legal issues.

It is commendable that the Court has taken significant steps in recent years to enhance its efficiency in coping with the steady increase in its workload, including, inter alia, re-examining its procedures and working methods, updating its Practice Directions for States appearing before it, and setting a particularly demanding schedule of hearings and deliberations so that it can consider several cases at the same time. As a result, we are happy to note that the Court has successfully cleared its backlog of cases, with the effect of further strengthening the confidence of States in its competency and efficiency.

In conclusion, I wish to reiterate the great importance that the international community attaches to the work of the International Court of Justice and to draw the Assembly's attention to the importance of strengthening its functioning, including by the provision of additional staff as the Court has requested. India reaffirms its strong support for the International Court of Justice.

Mr. Abdelaziz (Egypt): At the outset, I would like to express Egypt's appreciation to Judge Hisashi Owada, President of the International Court of Justice, for his comprehensive presentation of the report of the

Court on its activities over the past year (A/66/4). I also wish to reaffirm Egypt's full support for the Court's key role in ensuring the implementation of the provisions of international law, adjudicating disputes between States and providing advisory opinions to States and international organizations to guide them on how best to carry out their roles and functions.

Since its establishment as the principal judicial organ of the United Nations, the Court has strengthened important legal principles and rules through its advisory opinions on the *Legality of the threat or use of nuclear weapons* (A/51/218, annex), on the *Legal consequences of the Construction of a Wall in the Occupied Palestinian Territory* (A/ES-10/273), on the *Accordance with international law of the unilateral declaration of independence in respect of Kosovo* (see A/64/881) and many other decisions on territorial and maritime border disputes, which have and will continue to contribute to the peaceful settlement of disputes around the world, preventing them from escalating into armed conflicts.

Egypt also recognizes the important contribution of the Court's decisions and orders delivered during the past year, inter alia, the order delivered in March 2011 on the provisional measures in the case concerning *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica* v. *Nicaragua)* and its decision in July 2011 on the provisional measures in the case concerning *Request for Interpretation of the Judgment of 15 June 1962 in the case concerning the Temple of Preah Vihear (Cambodia* v. *Thailand) (Cambodia* v. *Thailand)*. The Court's efforts in this field also contribute to and supplement the theme proposed by the President of the General Assembly for the current session, which reaffirms the importance of the peaceful settlement of disputes and the role mediation can play in that regard.

Egypt therefore emphasizes the need to encourage States and United Nations organs and specialized agencies to request advisory opinions of the Court on important legal questions arising within the scope of their activities, because such opinions constitute development and codification of the rules of international law. They also assist in consolidating the principles of justice and equality at the international level, because of the high moral and legal values they embody, and thus promote the maintenance of international peace and security.

Furthermore, Egypt expresses its appreciation for the pioneering role played by the Court in fostering the rule of law at the international level and in promoting a democratic and equitable international order. We stress the need to draw on the experiences of the Court in consolidating established legal rules in many spheres. Among them are the criteria and procedures for accepting new Members into the United Nations, which is relevant to the current discussions on the application by Palestine; the responsibility of States to protect their citizens in accordance with international law; and the distinction between legitimate armed struggle, in the framework of the right to self-determination, and terrorism.

Egypt believes that it is important to provide the Court with the chance to consider the legality of the encroachment by certain principal organs of the Organization on the competence of other principal organs, which are more representative and democratic in nature, contrary to the delicate balance established in the Charter. In the same vein, it is necessary to monitor and assess the implementation of the Court's judgments, decisions and advisory opinions to enhance international recognition of the moral and legal values of its advisory opinions. Egypt reiterates its proposal to establish a mechanism within the United Nations for that purpose; first, to ensure that, as required under the Charter, States respect the advisory opinions and judgments issued by the Court at the request of one or the other of the principal organs; secondly, to monitor the damages caused by failure to implement opinions and judgments; and thirdly, to adopt modalities for compensating affected States, similar to the one formed to assess the damages caused by the construction of the separation wall in Palestine — which so far still faces major obstacles.

In that regard, it is also important to act on the decision of the League of Arab States in October 2011 to present to the General Assembly a draft resolution requesting an advisory opinion of the International Court of Justice on the legal status of the Palestinian and Arab prisoners and detainees in the prisons of Israel, the occupying Power, under the relevant rules of international law, and to reassert their status as prisoners of war and their legitimate right to freedom.

Egypt also welcomes the steps taken by the Court to increase its effectiveness in dealing with the steady increase in cases before it and encourages the Court's continued examination of its procedures and working

methods. Egypt supports the Court's request for additional posts financed by the regular budget in order to strengthen its existing security team and its Department of Legal Matters and Publications Division. Egypt will work with other States in the Fifth Committee to respond positively to those demands, especially since they come at a time of increasing international efforts to utilize good governance at the international level as a means to fulfil the commitments of the Court.

In this regard, Egypt welcomes the reference in the Court's report to the ongoing work on the technological renovation of the Peace Palace halls and the replacement and modernization of the audio-visual equipment in its historic courtroom and nearby rooms, so as to enable the Court to perform its tasks in a way befitting its international standing.

In conclusion, Egypt expresses its appreciation to all the judges of the Court, the Registrar and staff for their efforts in the year covered by the report and wishes them success in performing the lofty role of the Court in the future.

Mr. Chuquihuara (Peru) (*spoke in Spanish*): Before making my statement, I wish to join in the expressions of condolence on the great loss of Mr. Antonio Cassese, a great jurist, who contributed greatly to the body of international law. We will always regret his loss.

I would like to thank the President of the International Court of Justice, Judge Hisashi Owada, for being with us this morning and for his very interesting introduction of the report on the intense work of the Court in the past year (A/66/4).

The purpose of the United Nations is to ensure that States resolve their disputes by peaceful means, in accordance with the principles of justice and international law. To that end, the United Nations Charter itself recognizes the peaceful resolution of disputes as a general principle, whereby States should refrain from the use or threat of use of force. Underscoring the essential role that the United Nations Charter ascribes to the maintenance of international peace and security and to fostering relations of friendship and cooperation, Member States declared in resolution 2625 (XXV) that they would refrain, in their international relations, from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner contrary to the principles of the United Nations.

Likewise, they believed that it is essential, to that end, for all States to resolve their international disputes through peaceful means, in keeping with the Charter. In that regard, the International Court of Justice was established as the principle judicial organ of the United Nations to institute a universal system that would enable States to resolve their disputes by peaceful means. Article 94 of the Charter provides for the Court's decisions to be complied with in such a way as to put an end to legal disputes. For that reason, Peru, as a country that respects international law, reiterates its commitment to comply with the obligations that arise from the statutes of the Court and urges all other States to comply with the decisions of the Court.

Despite the sensitivity of the topics taken up by the Court — including issues of territorial and maritime boundaries, environmental issues, the interpretation of treaties and the immunities regime, just to mention a few — States have opted freely, in exercise of their sovereignty, to go before the Court so that it would be the Court that would resolve their disputes. That is the result of the judicial quality of its rulings, as well as of the independence and impartiality of its judges, which has led to universal recognition of the Court's high degree of legitimacy.

Peru's commitment to the work of the International Court of Justice is reflected in the American Treaty on Pacific Settlement of 1948, also known as the Bogotá Pact, by which the States parties agreed always to refer procedures to the Court for peaceful resolution. Likewise, in keeping with Article 36, paragraph 2, of the Statute of the Court, Peru gave unconditional recognition to its jurisdiction in contentious matters.

Moreover, through the Manila Declaration on the Peaceful Resolution of International Disputes, which was adopted by consensus through resolution 37/10 in 1982, it was reiterated that legal disputes should, generally speaking, be brought by parties to the International Court of Justice, and that bringing a case before the Court should not be viewed as an unfriendly act between States.

As a result of that recognition, Peru believes that it is of the greatest importance for the Court's jurisdiction be universally accepted by all States. As indicated in its report, currently only 66 States have

issued statements indicating that they recognize the compulsory jurisdiction of the Court, although in many cases those statements were made with reservations. Peru therefore urgently calls on all States that have not yet done so to accept the compulsory jurisdiction of the Court in contentious matters.

We reaffirm our full endorsement and support of the work of the Court in both its judicial and its advisory capacities. At the same time, we wish to stress the prominent work of its judges, with respect both to the high level of their legal skills and to their efficient management, which have made it possible for the Court to adopt measures aimed at making its work more effective.

We would also like to recognize that the support of the Secretariat has been critical in meeting those objectives. The Court has had an agenda packed with litigation over the past several years, with the presentation of two new cases. Those new tasks must be added to the pending cases and an advisory opinion procedure, which means that in the current session a total of 14 cases have been heard, along with one advisory procedure.

We should also mention the Court's important role in communication through its official publications and its electronic portal, all of which provide an invaluable tool, as does the dialogue of the Court with other institutions, such as the International Law Commission, with various regional and national courts and with academic institutions, all of which enables an exchange of views that benefits and enriches the legal community.

All of those efforts, it is clear, contribute substantively to the promotion of the rule of law at the international and national levels. States should ensure that the Court has sufficient resources available to carry out the task assigned to it. In that regard, we believe that the requirements characterized as indispensable in the report with regard to the Court's needs in the area of human resources (A/66/333), such as security, legal assistance and publications, are fully reasonable and should be addressed as quickly as possible.

Finally, Peru would like to publically acknowledge those who have contributed to the Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice. We would like to join the Secretary-General's appeal to all States and relevant entities to collaborate with the Fund.

Ms. Flores (Honduras): We thank the president of the International Court of Justice, Mr. Hisashi Owada, for the presentation of the Court's most recent report (A/66/4). We also express our gratitude to the other distinguished members of the Court.

Honduras, as a peace-loving and law-abiding country, has relied on the Court's rulings on several occasions to settle mayor territorial disputes with neighbouring nations. Our Constitution clearly states that Honduras shall adhere to the principles and practices of international law based on human solidarity, our people's self determination, the non-intervention of others in our internal affairs and the consolidation of peace and universal democracy.

Historically, our two-century-old boundary disputes and other matters pertaining to our territorial and maritime rights, which we have not been able to resolve directly with other parties by means of peaceful negotiations, mediation or arbitration, have been submitted to the consideration of the International Court.

My country, which has overcome difficult periods of unrest, political and social upheaval and the polarization of conflict in the Central American region, has always respected the Court's decisions. Where there has been any room for further interpretation, we have voluntarily deferred to the better judgement and advice of the International Court of Justice. We are therefore thankful to the Court for the many times we have settled our differences with other States by submitting to its jurisdiction.

The most recent cases dealt with our sovereign rights in the Fonseca Gulf and secure passage for our country to the Pacific Ocean and, most recently, with maritime delimitation in the Caribbean as pertaining to the Caribbean Sea Maritime Limits Treaty, which we signed with Colombia in 1999.

Following our last petition to the International Court, the Court found that the application for permission to intervene in the proceeding, either as a party or as non-party, filed by the Republic of Honduras under Article 62 of the Statute of the Court, could not be granted, since Honduras could not claim an interest of a legal nature that might be affected in any of the maritime areas identified in its application.

Having relied on several occasions on the wisdom of the International Court of Justice for settling serious and heartfelt disputes, we can certainly attest here today as to the Court's contribution to peaceful coexistence and the valuable role it continues to play in regional and world peace.

The willingness of Member States to join in efforts to combat impunity and strengthen universal justice is essential to the United Nations. We can fairly say that it enables them to work for accountability. Those efforts undoubtedly help to secure the road to reconciliation and provide victims with redress. The role the Court will play in this new century, with a jurisdiction based on consent, will depend on its activity and on its acceptance in the international community as an effective tribunal that can truly serve as a world court.

Despite all the achievements in our region with respect to securing and strengthening the rule of law, we live in an everyday reality where criminal activities and corruption threaten the core of governance and hinder, or even paralyse, States' national justice systems. Violence and crime are eating through the valued weave of our societies from deep within. We have to find a way to prevail in our common goals while making our systems work. We need to provide security while guaranteeing rights to our citizens, and we have to provide relief to the needy and protection to the innocent.

We therefore require a coordinated, strong institutional and international judicial framework. Close to home, we can praise the efforts of the International Commission against Impunity in Guatemala (CICIG), established under an agreement with the United Nations, in contributing to that accountability process. So far, as we know, CICIG has assisted the Guatemalan State to investigate and dismantle violent criminal organizations believed to be responsible for widespread crime and paralysis in that country's justice system.

In that same vein, I would like to stress the importance of several issues in the Court's report that constitute good ideas that have been dormant in our agenda, including the right to protect or the issue of human security. Recently, the Assembly decided to continue to debate the human security issue in order to address the lack of a definition of the concept. The concept has serious legal implications for Member States. It would be of paramount importance if the Court would, for illustrative purposes, pronounced itself on the rights and responsibilities of States with relation to human security.

It is indeed difficult to see the splendors of justice shadowed by the hindrances of social inequity, disparity and unrest. There will be no rest as long as one part of the population enjoys the benefits of the system and the opportunity to participate, while the vast majority remains isolated, powerless and marginalized from the blessings of development.

The sense of powerlessness resulting from the inability to achieve a decent standard of living — rightly deserved by the immense, motley multitudes who, in various latitudes of the Earth subsist in the most precarious economic and social conditions — is undeniably a latent source of conflict. Only by recognizing and respecting the rights of each other will the world have a chance at peace.

Mr. Ndiaye (Senegal) (*spoke in French*): Allow me to begin my statement by thanking Mr. Hisashi Owada, President of the International Court of Justice, for his comprehensive and detailed report on the activities of that organ from 1 August 2010 to 31 July 2011. I also thank the staff of the Court.

My country, Senegal, takes the opportunity provided by this annual meeting to review the report of the International Court of Justice (A/66/4) to highlight the Court's productivity in moving forward the ideals of peace and justice upon which the Organization was founded. A better time could hardly be imagined to commend the invaluable role of the Court in establishing a more just and peaceful world by promoting respect for the rule of law and the peaceful settlement of disputes. In that connection, my delegation would like to urge the International Court of Justice, as the only international court of universal character, to continue its efforts to strengthen international justice, develop international law and maintain international peace and security.

The growing role of the Court for States is clearly manifested in the increased number of applications presented to the Court. Such a demonstration of confidence also reflects the growing acceptance of the primacy of law as well as the interest of countries in the peaceful settlement of disputes. By promoting the legal settlement of disputes, the Court has contributed to peaceful relations among States, thereby greatly

contributing to the maintenance of international peace and security.

Similarly, in basing its actions on the rule of law, the International Court of Justice contributes at the same time to the interpretation and development of international law in accordance with respect for the rule of law at the international level. In addition, the Court's orders and decisions serve as juridical precedent in many situations, enriching the codification and consolidation of international law.

For all of those reasons, my delegation reiterates its full support to the International Court of Justice and its appreciation for its praiseworthy efforts to enhance its effectiveness. We urge that the Court be provided with the necessary means to appropriately accomplish its noble mission.

In conclusion, on the occasion of the review of the report of the International Court of Justice, my delegation would recall that today the positive effects of the peaceful settlement of disputes are obvious. From that perspective, the work of the Court clearly contributes to achieving the purposes of the Charter of the United Nations, in particular those pertaining to the peaceful settlement of disputes in conformity with the principles of justice and international law.

Given its deep commitment to the promotion of justice and the rule of law and the peaceful settlement of disputes, Senegal reiterates its confidence in the Court, the clearest demonstration of which was my country's acceptance of the Court's compulsory jurisdiction in line with Article 36 of its Statute.

Mr. Gevorgyan (Russian Federation) (*spoke in Russian*): The Russian Federation would like to express, through the presidency of the Assembly, its gratitude to Mr. Hisashi Owada, President of the International Court of Justice, for his presentation of the Court's report (A/66/4). Given its staunch commitment to the peaceful settlement of disputes, the Russian Federation has always attached great importance to the Court's activities.

We are pleased to note the dynamic work of the primary judicial organ of the United Nations. The increasing geographic and thematic diversity of the Court's cases, as it has rightly noted in its report, speaks to the unique universal nature of that organ.

Over the past year, once again, the Court upheld the highest standards of judicial practice, objectivity and political independence. My country is pleased with the judgment rendered on 1 April 2011, concerning the *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia* v. *Russian Federation)*. We believe that the judgment goes far beyond the framework of bilateral inter-State relations. Its adoption has made a notable contribution to enhancing not only the integral system of the peaceful settlement of disputes, but also the foundation of the peacekeeping process. In its judgment, the Court confirmed the growing significance of key tools of the peaceful settlement of disputes, including negotiation. It enhanced the authority of relevant treaty bodies and United Nations bodies and prevented an attempt to abuse established legal procedures and circumvent the provisions of international treaties.

Secondly, the Court supported a State that was actively participating in peacekeeping. The suit was filed against a State that was not party to a dispute but that was in good faith fulfilling its role as peacekeeper and mediator in the negotiations. At the same time, the application was made to the Court after an armed attack was carried out against those very same peacekeepers and civilians in a conflict region.

If the Court had ruled otherwise, any activities of peacekeepers could risk violating the International Convention on the Elimination of All Forms of Racial Discrimination. In our view, thanks to the Court's success in rendering an impartial and de-politicized judgment, there has been an obvious and consistent increase over the past years in confidence in the Court, that has been reflected in the increasing number of States that have accepted the Court's jurisdiction, as well as in the growing scope of the international legal issues that have been put before the Court.

The Russian Federation would like to note another facet of the Court's activities. Within the United Nations, active discussions are under way on the issue of the rule of law. We have seen the process of transforming the rule of law into a practical tool for reconstruction and at times, even survival, in conflict and post-conflict societies. We feel that the Court is itself a key mechanism for ensuring the rule of law internationally. As duly noted by the Court in its report, its activities are aimed at bolstering the rule of law. It carries out such activities through the clarification of international law and the just settlement of the most

delicate of international disputes, working as an independent judiciary for other judicial bodies.

We closely follow the legal activities of the Court and, at the same time, try to accord due attention to the everyday issues of the Court. Despite its busy calendar of hearings, where some cases are heard simultaneously, the Court has nevertheless succeeded in maintaining the high judicial quality of its decisions. We believe that the Court's request for the provision of human resources and additional funding to adapt its judicial processes and to maintain its unique status merit the closest attention. For its part, the Russian Federation stands ready to spare no efforts in that area.

Elections to the Court are set for the near future. We will select five of the 15 judges of the International Court of Justice. We hope that from the number of highly qualified candidates, we will choose the most outstanding individuals to carry the torch of international justice through the halls of the Peace Palace in The Hague.

Mr. Zellweger (Switzerland) (*spoke in French*): My delegation would first like to thank the President of the International Court of Justice for the presentation of his very comprehensive report (A/66/4).

Switzerland is firmly committed to a stable and just international order, to which international jurisdictions, and the International Court of Justice in particular, make a major contribution. Switzerland believes that the International Court of Justice plays an irreplaceable role. It has always recognized the competence of the Court, and calls on all other States to do the same. All States should bring their disputes before the Court in order to settle them peacefully. The increasing number of legal matters and issues brought before the Court demonstrates the confidence placed in it by the international community.

Moreover, my delegation welcomes the measures taken by the Court to increase its effectiveness and to deal with its increasing workload. It supports the Court in its undertakings to ensure its smooth functioning.

The International Court of Justice devotes some paragraphs in its report to the case of *Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters (Belgium* v. *Switzerland)*. While welcoming the swift settlement of this case, my delegation would like to make the following clarification. In its report, the Court quotes word for word from the letter in which Belgium announced its withdrawal. In the letter, Belgium refers to, and paraphrases, paragraph 85 of Switzerland's preliminary objections. However, it goes without saying that only the original text of paragraph 85 of the preliminary objections conveys Switzerland's unwavering position.

I am convinced that, through its activities, the International Court of Justice will continue its specific efforts towards a more peaceful world.

Mr. Yamazaki (Japan): It is my great pleasure and honour, on behalf of the Government of Japan, to address the General Assembly under the presidency of His Excellency Ambassador Al-Nasser. I would like to express my gratitude to President Hisashi Owada for his in-depth report summarizing the current situation of the International Court of Justice (A/66/4). As a State resolutely devoted to peace and firmly dedicated to the promotion of the rule of law and respect for the principle of the peaceful settlement of disputes, Japan appreciates the strenuous efforts and work of the Court, presided over by Judge Owada, to deliver decisions and opinions based on exhaustive deliberations.

We are especially impressed by the wide regional range of Member States seeking to resolve international legal disputes by referring cases to the Court. This fact illustrates the universality of the Court and the great importance that Member States attach to it. The variety in the subject matter of recent cases, from territorial and maritime delimitation to the interpretation and application of international conventions and treaties, also demonstrates the significant role played by the Court in solving international disputes between States and in providing its opinions on important questions in international law. While dealing with the variety and complexity of such cases, the Court has taken effective measures to conduct its activity at a sustainable level. The Government of Japan commends the Court for its continuous efforts to re-examine its procedures and working methods.

In the current international environment, where we continue to witness armed conflicts and acts of terrorism, the firm establishment of law and order is indispensable. There has been increasing recognition in the international community of the necessity of establishing and maintaining the primacy of international law, as well as the importance of settling disputes through peaceful means.

In that regard, the role of the International Court of Justice as the principal judicial organ of the United Nations is paramount and cannot be overstated. We believe that the Court must bring to bear not only a profound knowledge of international law but also the farsighted view of the international community, given that the world is now experiencing rapid change. Japan respects the Court's ability to meet that requirement and continues to fully support its work.

Since 1958, two years after becoming a State Member of the United Nations, Japan has recognized the compulsory jurisdiction of the Court. We urge Member States that have not yet done so to accept the Court's jurisdiction in order to facilitate the establishment of the rule of law in the international community.

In concluding my remarks, I wish to reiterate the great importance that the international community attaches to the lofty cause and work of the International Court of Justice and to draw the Assembly's attention to the importance of strengthening the functioning of the Court. Japan, for its part, will continue to contribute to the invaluable work and the efficient and effective operation of the Court.

Mr. Yee (Singapore): My delegation thanks President Owada for his presentation of the comprehensive report of the International Court of Justice covering its activities over the past year (A/66/4). We also thank President Owada and Vice-President Tomka for their able leadership of the Court in that period. It is a testament to their vigorous efforts that the Court has been able to discharge its duties to the highest standards for another full year.

Singapore is firmly committed to a stable and peaceful international order governed by the rule of law. In our view, the international rule of law is indispensable to realizing the purposes and principles of the United Nations, including the maintenance of international peace and security, and the preservation of friendly relations. In the exercise of its contentious jurisdiction, the Court fulfils a key function in facilitating the Charter obligation to settle disputes peacefully. In the exercise of its advisory jurisdiction, the Court provides guidance on important issues of international law.

Furthermore, my delegation welcomes the continued regional and subject-matter diversity of the cases standing on the Court's List as of the end of the reporting period. We also note that the legal issues on the Court's List are not only diverse but complex. Those factors will ensure that the Court's jurisprudence will continue to command immense influence and have a deep impact on the development of international law. In that regard, there have been several jurisprudential developments during the period under review that my delegation has followed with great interest, including those relating to jurisdictional immunities of the State and the rights of shareholders. We note that two new cases were referred to the Court during the reporting period, and look forward to receiving the Court's views on those cases and others pending on its List.

Turning next to the administration of the Court, my delegation commends the Court for successfully clearing its backlog of cases. We welcome the Court's efforts to keep its procedures and working methods under continual review, so as to ensure that its users can be confident that proceedings before the Court will be as efficient as possible. We are also encouraged to read that work continues on the modernization of the Great Hall of Justice, including the introduction of information technology resources on the judges' bench. We look forward to their speedy completion.

Singapore notes the request made by the Court for additional security posts in paragraph 27 of its report. My delegation continues to hold the view that this request is not made lightly. Given the central role that the Court plays, and the range of issues which it has to deal with, including those of a highly controversial nature, it is only right and prudent that we renew our support for this request. Singapore also notes the requests for an additional P-2 post in paragraph 28, and for an additional post in the General Service category in paragraph 29. My delegation believes that it is important for the Court to be adequately resourced in order to perform its work. As such, Singapore supports both these requests.

In conclusion, Singapore reaffirms its strong support for the work of the Court, which plays a vital role in the institutional dimension of the international rule of law. We wish the Court every measure of success in meeting its future challenges and in the discharge of its duties in the year ahead.

Mr. Benmehidi (Algeria) (*spoke in French*): I would like to thank the President of the International Court of Justice, Judge Hisashi Owada, for his detailed

and exhaustive presentation on the undertakings of the Court from 1 August 2010 to 31 July 2011. I should also like to express the appreciation of my delegation for his presidency of that important organ of the Charter of the United Nations.

Algeria underscores the particular role of the judicial settlement of disputes as one of the pillars of the peaceful settlement of disputes in the maintenance of peace and international security.

As one of the principal organs of the Charter, whose Statute makes it an integral part of the Organization, the International Court of Justice occupies a unique place within the international legal system. The multiplication of international jurisdictions, in particular those that have become specialized over the past several decades, has in no way detracted from the prestige of the Court.

The number of cases on the Court's docket, including two new ones added during the most recent session, the diversity of the issues subjected to litigation, which touch on many areas of international law, as well as the fact that parties to disputes brought before the Court belong to every geographic region of the world, bear witness to the universal nature of this institution.

Algeria would like to emphasize the eminent role that the Court plays in the implementation and strengthening of the rule of law at the international level, in particular with respect to its sustained efforts on behalf of the application, promotion and elucidation of international law, as well as in the dissemination of the Court's activities through relevant programmes.

In that spirit, the Court deserves a pre-eminent place in all high-level debates devoted to the rule of law that will be held during the opening of the sixty-seventh session of the General Assembly in September 2012.

The execution of the Court's determinations in establishing the primacy of international law and implementing the rule of law at the international level is of critical importance. Initiatives and ideas intended to contribute to improved implementation of the Court's rulings deserves to be encouraged.

It is vital for the International Court of Justice to receive the resources it needs to function effectively, to render its decisions with due speed and to rule between the plaintiffs who come before it. The complexity and multiplicity of the cases the Court hears, as well as the diversity of their procedural phases, in particular with regard to certain cases that become increasingly protracted, implies a requisite adjustment with respect to both human and material resources. The 14 matters currently pending before the Court, several of which have been on the docket for a number of years, might find swifter resolution if the additional resources requested by the Court were made available.

My delegation wishes to acknowledge the efforts of the Court to adapt and streamline its workload, which continues to grow in volume year by year, by reworking its calendar, its procedures and its work methods.

It remains for the United Nations, and for its Member States in particular, to explore the best ways to continue to provide the requisite support to the Court.

In conclusion, my delegation would like to stress its firm support for role of the International Court of Justice in the development of international law. In addition to ruling on disputes, the Court interprets and elucidates the rules of international law, especially through its important practice of providing advisory opinions, whose positive influence we would do well to emphasize. Although they do not entail obligatory consequences for States, advisory opinions nonetheless offer clarifying guidance, in particular for international organizations, chief among them the United Nations.

Mr. Osorio (Colombia) (*spoke in Spanish*): I would like to begin by thanking Judge Hisashi Owada, President of the International Court of Justice, for his very complete and detailed report on the activities of the Court during the period 2010-2011 (A/66/4). As this is the last time that Judge Owada will address the Assembly in his capacity as President of the highest world court, I should like to pay tribute to him for his stewardship of that organ over the past three years.

For those delegations that participate in the work of the General Assembly, it is very useful to be made familiar with the development of contentious cases and advisory cases before the Court and the manner in which the principal judicial organ of the Organization is performing the task assigned to it by the Charter.

We note that during the year covered by the report there was a constant flow of cases submitted to the Court, with three cases declared concluded and two

new contentious cases put before the Court. Over the decades, States from different regions of the world have gone before the Court to request its ruling on various controversies, in accordance with international law, covering a wide range of aspects of international life.

It is also important to take into account that in the various cases brought before the Court a wide range of other issues also arose, all of which required intense labour on the part of the members of the Court and its secretariat. In clear contrast with that, we note that the Court continues to receive very few requests for advisory opinions.

We are pleased to note that the Court has worked with exceptional diligence in order to tackle the considerable challenges presented by the many cases on its docket and ensure adequate and sufficient consideration thereof.

The Court has adapted its practice and procedures through the adoption and subsequent adjustment of the Practice Directions, which have been very useful to litigating States. Likewise, the Court has implemented an intense agenda of hearings and deliberations, which now makes it possible to consider various cases with the requisite swiftness, including the various incidental proceedings that arise. The success in the Court's putting measures into place is tangible and reflected in the fact that it has been able to keep delays brought about by the very busy docket to a minimum. States considering the possibility of going before the Court can now be certain that the transition from the written phase to the oral phase in each proceeding will take place in an expedited manner.

The delegation of Colombia would also like to highlight the very worthwhile contribution that the International Court of Justice can make with regard to addressing another issue on the General Assembly's programme of work, namely, the state of the rule of law in the international arena. As correctly reflected in the report, in this context the Court plays a special role within the United Nations institutional architecture since, by definition, as it is a judicial organ, everything it does is geared towards promoting the rule of law. It can therefore be said that all its actions and decisions could potentially contribute to the promotion and clarification of norms in international law that it is called upon to interpret and apply, including norms that regulate its practice and procedure.

For that reason, we would like to join those delegations that have indicated that the President of the Court should be invited to participate in the opening session of the high-level event on this topic that will take place on 24 September 2012. That important event would thereby benefit from the perspective of one of the principal organs of the Organization entirely devoted, in the most efficient and laudable manner, to promoting the rule of law at the level of international relations.

Mrs. Morgan (Mexico) (*spoke in Spanish*): The delegation of Mexico would like to express its deep appreciation to the International Court of Justice for the arduous efforts it has undertaken this year. We would also like to thank its President, Judge Hisashi Owada, for his presentation of the Court's report (A/66/4).

Mexico welcomes the periodic review of proceedings, methods of work and guidelines undertaken by the Court in recent years, which has facilitated expedited attention to cases and has been key in ensuring that this legal organ can sustain its pace of activity.

Moreover, Mexico wishes to thank the General Assembly for its willingness to increase the number of the Court's legal assistants and security staff, as well as for its willingness to create a new General Service post for telecommunications technician. Along the same lines, Mexico calls for the General Assembly to continue to provide the Court with tools to ensure its optimal performance as the principal judicial organ of the Organization.

The report currently before us illustrates with clarity and conciseness the contentious cases before the Court and is evidence of its universal nature. In this regard, my delegation wishes to indicate that, of the 17 cases before the Court under the period under review, a number of them concerned States from Latin America and the Caribbean, which clearly shows the commitment of the region to compliance with international law and the peaceful resolution of disputes.

My delegation would like to highlight the great legal value of the Court's rulings not only for States parties involved in a case, but also for the creation of international jurisprudence that is of interest for the international community as a whole. The Court plays a fundamental role in developing international law. The

ruling in the case concerning *Pulp Mills on the River Uruguay (Argentina* v. *Uruguay)*, is a clear example of this fact. We also see it in the constant evolution of the thematic complexity of the cases before the Court.

I would like to conclude by reiterating Mexico's attachment to the International Court of Justice as the main legal organ for the peaceful solution of disputes.

Mr. Arguello-Gómez (Nicaragua) (*spoke in Spanish*): Nicaragua would like to express its gratitude to Judge Hisashi Owada, President of the International Court of Justice, for his introduction of the Court's report (A/66/4).

The fact that the 2010-2011 judicial year, like the previous period, continues to be an extremely busy one and that, moreover, it is expected that next year will be equally intensive due to the initiation of two contentious cases, illustrates the relevance of the International Court of Justice as the principal United Nations judicial organ and as the only international court of a universal character and with general jurisdiction. In this regard, we would like to highlight that the work of the Court not only contributes to promoting, consolidating and disseminating information about the rule of law, but also that its work is key to international security in that it promotes the peaceful resolution of conflicts, which is one of the main purposes of the United Nations and a constant desire of humankind.

We regret that, once again, the report reflects the fact that only 66 States have recognized the compulsory jurisdiction of the International Court of Justice and that some of those recognitions contain reservations that, in many cases, void the very meaning of the acceptance of such jurisdiction. We urge all States that have not yet done so to recognize the Court's jurisdiction, thereby contributing to strengthening the rule of law internationally.

Nicaragua's international relations are based on a policy of friendship, solidarity and reciprocity between peoples, which is why we not only recognize the principle of the peaceful settlement of international disputes by means of international law, but why we have also resorted to such means many times and will continue to do so. In the past 26 years, Nicaragua has participated as a plaintiff or defendant in eight major cases and various incidental ones before the International Court of Justice. Those cases include that of *Military and Paramilitary Activities in and against Nicaragua (Nicaragua* v. *United States of America)*, which ruled 25 years ago that the United States was obliged to indemnify Nicaragua for all the damage caused by its activities violating international law. This judgment by the Court is still pending compliance, which is why Nicaragua still reserves the right to claim the compensation it is due.

Among the cases involving Nicaragua is the currently pending *Territorial and Maritime Dispute (Nicaragua* v. *Colombia)* brought by Nicaragua 10 years ago, whose continuation is due in part to incidental proceedings arising from the case. Here, it should be mentioned that in May the Court decided that applications for permission to intervene presented by Costa Rica and Honduras could not be granted, and most recently reaffirmed the scope of the judgment of 8 October 2007 in the case of the *Territorial and Maritime Dispute between Nicaragua and Honduras in the Caribbean Sea (Nicaragua* v. *Honduras)*.

Similarly, in the recent case concerning *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica* v. *Nicaragua)*, President Daniel Ortega was the first to propose publicly that both countries should refer the matter to the Court if they could not reach a bilateral agreement. In March, the Court handed down its ruling on the provisional measures requested by Costa Rica, deciding that both parties should refrain from sending or maintaining personnel in the disputed territory and should find common solutions to care for the environment, among other things. Nicaragua is pleased to say that it has faithfully abided by all the points in the ruling and will continue to do so.

Nicaragua has demonstrated its confidence in international justice not only by its actions; it has also turned to the Court on a number of occasions and has used its judgments to endorse and propose mechanisms for the peaceful settlement of disputes. In that regard, allow me to recall that the initiative for declaring the United Nations Decade of International Law came from Nicaragua, which proposed it under the auspices of the Non-Aligned Movement in 1988. This initiative included a basic concept, that of promoting universal compulsory mechanisms for the peaceful settlement of disputes, particularly through the International Court of Justice.

With this purpose in mind, a ministerial meeting of the Non-Aligned Movement was held at The Hague

in 1989, culminating in a declaration by the Movement's more than 80 member States — which at the time represented a significant majority of the membership of the United Nations — approving the initiative of presenting the proposal for the Decade of International Law to the General Assembly. The basic reason for this initiative was to bring back the spirit of the first two peace conferences held in The Hague in 1899 and 1907, which sought to establish a universal compulsory mechanism for the peaceful settlement of disputes. That mechanism, which those first conferences were unable to achieve, has now been realized in the International Court of justice. Our task is to enable it to truly become a universal compulsory mechanism without loopholes that undermine the compulsory nature of its jurisdiction and with genuine resources that can ensure compliance with its decisions.

Nicaragua believes that while perhaps because of international factors prevailing at the end of the 1980s this could not be fully achieved, we may now take it up again in order to advance universal acceptance of the Court's compulsory jurisdiction. With this in mind, Nicaragua will once again retrace the steps that can enable us to revive this initiative of almost a quarter of a century ago.

In conclusion, my delegation would like to express our great satisfaction with the work of the Court and to once again thank Mr. Owada, the President of the Court, for his report.

Mr. Sorreta (Philippines): At the outset, allow me to express our sincere sympathies on the passing away of Judge Antonio Cassese. He was, in the truest sense, a giant of international law whose experience and expertise in the field are widely and rightly recognized.

Our debate today comes at a most opportune time as we commemorate International Law Week here at the United Nations. As we renew our pledge to build a more peaceful, progressive and prosperous world, we are reminded once again of our solemn duty to further strengthen the ramparts upon which our world is built, on justice and the rule of law. That commitment finds its fullest expression in the International Court of Justice and in the Court's faithful exercise of its mandate. As the principal judicial organ of the United Nations, the Court is the primary institution tasked with ensuring respect for the rule of law in international relations, as it upholds an integral legal order founded on the primacy of the rule of law and the peaceful settlement of disputes.

In this regard, the Philippines welcomes the report of the International Court of Justice contained in document A/66/4, and the report of the Secretary-General contained in document A/66/295. These documents are a comprehensive and detailed demonstration of the Court's important work and activities. The Philippines wishes to thank and commend Judge Hisashi Owada, President of the International Court of Justice, for the preparation of the report.

The importance of the Court cannot be overstated. It is the only international court of a universal character with general jurisdiction. The Court handles cases that are growing in legal and factual complexity. The subject matter of those cases is extremely varied, including, among other issues, territorial and maritime delimitation, environmental concerns, the jurisdictional immunities of States, violations of territorial integrity, racial discrimination, violations of human rights, and the interpretation of international conventions and treaties. These cases, coming from diverse regions, illustrate the Court's universality. The Philippines notes the sustained level of activity of the Court. During the period under review two new cases were brought before the Court, bringing the number of contentious cases on its List to 14 as of 31 July. The Philippines continues to follow developments in these cases closely.

My country commends the Court for taking steps that have allowed it to sustain its level of activity. With continuous re-examination of its procedures and working methods, regular updating of the practices it adopted in 2001 for use by States appearing before it, and the setting of an exacting schedule, the Court has been able to clear its backlog of cases and thus increase the confidence placed in it by States submitting a dispute for fair and timely resolution.

To continue doing so, however, the Court needs vital support, particularly in the area of human resources. The Philippines notes that the Court's budget submission for 2012 to 2013 includes requests for the establishment of several posts. The Philippines reiterates its call for Member States to continue to provide the Court with the means necessary for ensuring its proper and efficient functioning.

My delegation wishes to register its approval of the work done by the International Court of Justice to make itself and its decisions more widely accessible to the public, to academia, to the international legal community and to media professionals through publications, visits, sustained engagement with the media and the use of innovative information and communications technology. The annual publication of the reports on judgments, advisory opinions and orders, the yearbook and the bibliography, among others, as well as the inclusion in the Court's website of its entire jurisprudence and that of the Permanent Court of International Justice, are particularly to be commended. The Court's website — with dynamic developments in its content and user interface — will continue to play an important role in keeping the Court engaged and connected with the world by providing a platform for access at various points and at different levels throughout the world.

The Philippines submits that in order to strengthen the foundations for global respect for the rule of law and its effective implementation, transparency and accessibility, along with integrity and independence, must be the Court's cornerstones. Yet, transparency and accessibility must never compromise the Court's security. It is on that point that the Philippines notes the Court's reiteration of its request to strengthen the Court's security team to enable it to confront new technological threats in respect of information systems security.

In recent years, we have witnessed a steady rise in the number of States, entities and even individuals resorting to specialized tribunals and forums in attempts to address the increasing demands of interdependence. My delegation views that development as a reflection of increased confidence in, and recourse to, the rule of law, which the Court has helped to propagate.

In that regard, we continue to count on the Court's function of elucidating norms to provide a basic framework of case law and norms, as well as to harmonize jurisprudence in general international law, in order to provide guidance for specialized tribunals.

In the exercise of its mandate as the only international court of universal character with general jurisdiction, our obligation is to continue to provide the support crucial for the International Court of Justice to maintain and strengthen the rule of law, which underpins peaceful relations between States.

Mr. Errázuriz (Chile) (*spoke in Spanish*): Chile takes this opportunity to express its appreciation to the President of the International Court of Justice, The Honourable Judge Hisashi Owada, for presenting the comprehensive report covering the period from 1 August 2010 to 31 July 2011 (A/66/4).

The great responsibilities of the International Court of Justice and its work as the highest judicial organ of the United Nations deserve to be highlighted before the international community. The Court's mission of fulfilling an advisory role and peacefully settling disputes, as entrusted to it under the United Nations Charter, is reflected in the report introduced by its President, which we are pleased to welcome.

The Court is central to the international legal system, and States recognize its leading role of providing guarantees to all members of the international community. We once again reiterate that the advisory role of the International Court of Justice is particularly important. Its opinions, which are founded on international law, provide reasoned arguments to States and sound support for the functions of the United Nations Organization.

The Court makes an ongoing contribution, in the framework of the multilateral system of peace and security, to strengthening relations among countries and to instilling a sense of respect for the law in the international legal order, by combining the fundamental principles and the mandates of the Charter of the United Nations, which is its backbone.

As its President has explained, the Court has extensive and complex jurisdiction, which it exercises for the good of the international community. It carries out its mandate in a framework of coexisting international, multilateral and bilateral treaties, through which it is entrusted with the judicial settlement of disputes and the application of mechanisms accepted by States in their unilateral declarations.

As the Court is the highest judicial organ of the system, we must make our voices heard and support it by ensuring that the necessary material and human resources are made available to it for the exercise of those competencies, according to its judicial tasks and the important functions that it must carry out.

We also express our appreciation for the efforts being made by the International Court of Justice to widely publicize its work and make it broadly accessible to international public opinion, using modern methods and technologies.

Those efforts have strengthened international law, and the Court should therefore receive ongoing and broad support for its activities. We note the progress made in the use of electronic media to publicize the work of the Court and facilitate access to its documents and to information on its work.

I shall conclude by reiterating our appreciation for the praiseworthy work of the Court and for its invaluable contribution to the effectiveness and observance of international law.

Mr. Silva (Brazil): Before I begin, allow me to express my country's condolences on the irreparable loss of Mr. Antonio Cassese. Although he is no longer with us, Mr. Cassese's lessons on international law will certainly remain.

I join previous speakers in extending a warm welcome to Judge Hisashi Owada and thanking him for his comprehensive presentation. My delegation very much appreciated Judge Owada's briefing yesterday to the Security Council (see S/PV.6637), in particular his thoughts on how the Council could make fuller use of the International Court of Justice in the settlement of disputes. Judge Owada spoke of the organic linkage that exists between the Council and the Court. My country believes that the Council would benefit from a closer relationship with the Court.

I was also very interested in his observations on the parallel and complementary roles of the Court and the Security Council, as illustrated by the case between Cambodia and Thailand, a matter that the Council dealt with last February (see S/PV.6480), under the Brazilian presidency, and one in which my country was very directly involved.

The International Court of Justice is a key element in efforts to uphold the principles and norms of international law and to ensure the peaceful settlement of disputes. In the Preamble to the Charter, Member States made a commitment to establish conditions under which justice and respect for obligations arising from treaties and other sources of international law could be maintained. The reinforcement of the rule of law on a global scale is a major contribution that the Court has given to the maintenance of international peace and security. Such an accomplishment should not be taken for granted.

The advisory jurisdiction of the Court has also played a major role in clarifying legal questions put forward by United Nations organs and other specialized agencies. The authoritative views expressed by the Court in its advisory opinions have made an important contribution to international law. The General Assembly should continue to rely on the Court whenever necessary.

The Court's latest report (A/66/4) shows the heavy demands placed on it, with cases covering myriad issues, from the jurisdictional immunity of the State to racial discrimination, and from environmental concerns to territorial and maritime delimitation. Those issues relate to cases in all continents. It also demonstrates the genuinely universal character of the Court and its importance as the principle judicial organ of the United Nations.

Brazil welcomes the continued efforts of the Court to keep up with its increasing workload. As highlighted in the report, cases are increasingly complex, often involving a number of phases and requests for urgent provisional measures. We appreciate the steps taken to enhance the efficiency of the Court. The continued re-examination of its procedures and working methods are important measures in order to face a very demanding level of activity.

The international community has many good reasons to celebrate this year's sixty-fifth anniversary of the International Court of Justice. Brazil praises the Court for its role in the development of international law and in upholding the principles of the Charter. The work of the Court is crucial to ensuring the primacy of law in international affairs, the peaceful settlement of disputes and the promotion of more just, equitable and fair international relations.

We are proud to have contributed to that process, along with the Court's history, with highly qualified Brazilian judges. I take this opportunity to pay tribute to their work for the cause of justice, a tradition honoured currently by Judge Antonio Augusto Cançado Trindade. In a matter of days, six judges will be elected both by the General Assembly and the Security Council. Brazil wishes them every success in the discharge of their duties.

I take this opportunity to express once again Brazil's full support of the International Court of Justice and our appreciation to President Owada.

Mr. Adoke (Nigeria): On behalf of the Federal Republic of Nigeria, let me extend our sincere appreciation to Mr. Owada, President of the International Court of Justice, for his comprehensive and incisive report on the activities of the Court (A/66/4).

As a peace-loving State, Nigeria expresses its resolve and unequivocal support for the settlement of disputes by the peaceful means of mediation, preventive diplomacy, arbitration and, in particular cases, adherence to the judgments of the Court as the principal judicial organ of the United Nations.

Recalling the international dimension and the diverse legal issues upon which the Court has to adjudicate, such as contentious cases, the jurisdiction of the Court and advisory proceedings, to mention but a few, serves to underline the universality of the Court's rulings, in line with modern trends, which my delegation believes merits accolades and commendation. Nigeria therefore calls on countries that have not yet honoured the Court's decisions to do so.

Nigeria is a role model in adhering to the ruling of the Court in the *Bakassi* case. It thanks the Court for its judgment, which has been implemented under the Greentree Agreement, of which I am the co-Chair under the auspices of the United Nations.

Nigeria praises the Court and its role in the development of international law and assures it of our support at all times.

Mr. Tsiskarashvili (Georgia): I would like to take this opportunity to join previous speakers in referring to the essential role of the International Court of Justice as the principal judicial organ of the United Nations.

In the light of that, the report before us (A/66/4) and its presentation today by President Owada once again accentuate the fundamental place of the Court in the system of the settlement of disputes in accordance with international law. As indicated in the report, on 1 April, the Court delivered the judgment in the case submitted by Georgia against the Russian Federation on the *Application of the International Convention on the Elimination of All Forms of Racial Discrimination*, upholding the second preliminary objection of the Russian Federation.

Notwithstanding the fact that Georgia has repeatedly attempted to resolve existing disputes under the Convention with the Russian Federation through negotiations, including both prior to and since the commencement of the major hostilities in August 2008, in the light of the Court's recent judgment, Georgia formally invited the Russian Federation to participate in further negotiations to resolve the existing disputes that have arisen with respect to the Russian responsibility for breaches of the Convention.

Georgia invokes the responsibility of Russia, inter alia, for the prevention of the exercise of the right of return of ethnic Georgians who were expelled from the Tskhinvali region and Abkhazia during the early 1990s and as a result of the 2008 Russia-Georgia war. We also invoke the responsibility of Russia for discrimination in the period prior to the commencement of major hostilities in August 2008 against ethnic Georgians living in areas of the Tskhinvali region and Abkhazia controlled by Russia and the proxy regimes, including with respect to ethnically motivated violence, the destruction of property, the violation of educational, cultural and linguistic rights, freedom of movement and issuing of passports.

While the Government of Georgia is taking all adequate measures to ensure that the breaches of the Convention by the Russian Federation are brought to an immediate end, as I end my intervention I would like to draw the Assembly's attention to paragraph 172 of the report and paragraph 186 of the judgment of the Court, where the Court unequivocally indicates that the parties are under a duty to comply with their obligations under the Convention.

Mr. Ulibarri (Costa Rica) (*spoke in Spanish*): The delegation of Costa Rica thanks Judge Hisashi Owada, President of the International Court of Justice, for his clear report on the work of the Court (A/66/4) and for his presence before the Assembly. His leadership is a source of motivation and strength to the current and the ongoing work of the Court. We are also grateful for the report of the Secretary-General on the Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice (A/66/295).

This is the right time to once again express our country's complete adherence to the primacy of international law, our full respect for the instruments and organizations of international law, and our commitment to faithfully comply with the decisions to which they give rise.

Article 1, paragraph 1, of the Charter of the United Nations recognizes the peaceful resolution of international disputes as an essential purpose of the Organization, in keeping with the principles of justice and international law. As the only universal international tribunal fully incorporated into the United Nations system, the Court's responsibilities in that area are indispensable to the international community, hence the responsibility of the Organization and its States Member to support the Court in carrying out its tasks. Of course, that support also includes a financial and logistic dimension that should be appropriately reflected through the allocation of adequate resources to the Court so that it can efficiently and effectively and with absolute legal independence tackle the cases brought before it.

Even more important, States must respect the decisions of the Court without distinction, whether they are substantive matters or provisional measures, which are especially important in the case of conflicts already taking place on the ground. Such respect should be provided in good faith without any manoeuvring or provocations or attempts to undermine the Court's decisions and based on the conviction that any damage to the Court's integrity or its mandate or hindrance of its functions will work against the international community as a whole. Respecting the Court and its decisions is the best way to guarantee the integrity and proper functioning of each proceeding and the best way of once again consolidating the Court's indisputable role.

In conclusion, Costa Rica notes the well established experience of the candidates among whom the Court's five new Judges will be chosen shortly. We wish those who will be elected every success. We also thank the Court for its efficient work and express our confidence that it will continue resolutely along the path towards fully accomplishing its duties, overcoming all challenges and promoting peace and respect through the application of international law.

The President: We have heard the last speaker in the debate on agenda item 72. May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 72?

It was so decided.

The meeting rose at 1.05 p.m.

United Nations A/66/PV.44

General Assembly
Sixty-sixth session

Official Records

44th plenary meeting
Wednesday, 26 October 2011, 3 p.m.
New York

President: Mr. Al-Nasser ..... (Qatar)

The meeting was called to order at 3.10 p.m.

Agenda item 75

Report of the International Criminal Court

Note by the Secretary-General (A/66/309)

Report of the Secretary-General (A/66/333)

The President: It is now my great honour to welcome to the United Nations Mr. Sang-Hyun Song, President of the International Criminal Court, and give him the floor.

Mr. Sang-Hyun Song (International Criminal Court): I am honoured to address this forum for the third and final time in my current mandate as President of the International Criminal Court (ICC). This has been a year of significant developments for the ICC. With two new investigations and several new cases, the Court is busier than ever. At the same time, trials have progressed well and the first verdicts are expected very soon.

I am delighted to say that international support for the ICC has continued to grow. Five States have newly joined the Rome Statute, bringing the number of States parties to 119. While the ICC is an independent organization, its relationship and cooperation with the United Nations have continued to be as vital as ever, and it is my great pleasure today to present the Court's seventh annual report to the General Assembly (see A/66/309).

Today I would like to brief the Assembly on the main developments at the ICC and highlight the relevance of the Court's work in support of the global efforts to protect human rights and promote the rule of law.

Let me first update the Assembly on the main developments on the judicial front. The number of situations under ICC investigation has risen from five to seven during the past year. On 26 February, the Security Council, in response to the conflict in the Libyan Arab Jamahiriya and what it called the gross and systematic violation of human rights, unanimously adopted resolution 1970 (2011), which, among other measures, referred the situation in Libya since 15 February 2011 to the Prosecutor of the ICC. Following the Prosecutor's investigation, the Court's Pre-Trial Chamber issued warrants of arrest against Muammar Al-Qadhafi, Saif Al-Islam Al-Qadhafi and Abdullah al-Senussi on 27 June.

Since the filing of the ICC's written report, the Court has authorized investigations into a seventh situation, that of Côte d'Ivoire. While not a State party to the Rome Statute, Côte d'Ivoire accepted the ICC's jurisdiction in 2003, and President Ouattara confirmed that decision in December, pledging full cooperation with the Court. Following a request by the Prosecutor, the ICC's Pre-Trial Chamber authorized, on 3 October 2011, an investigation into alleged crimes committed since 28 November 2010, in the wake of presidential elections in Côte d'Ivoire.

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506. Corrections will be issued after the end of the session in a consolidated corrigendum.

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The ICC's first trial concluded in August with closing statements in the case against Thomas Lubanga Dyilo, who had been charged with the use of child soldiers in the Democratic Republic of the Congo. Judgement in this case is expected before the end of the year.

The presentation of evidence is nearing its conclusion in the second trial arising from the situation in the Democratic Republic of the Congo concerning charges against Germain Katanga and Mathieu Ngudjolo Chui for the use of child soldiers, rape, murder and other crimes. A judgement is likely to be issued in the first half of next year.

The ICC's third trial opened in November last year against Jean-Pierre Bemba, who is charged as a military commander with rape, murder and pillaging allegedly committed in the Central African Republic. The trial has progressed well, and the prosecution case is at an advanced stage.

We also have a fourth trial under preparation, stemming from the situation in Darfur, Sudan. War crimes charges in connection with an attack on an African Union mission were confirmed against Abdallah Banda and Saleh Jerbo in March. The process of disclosure of evidence in this particular case illustrates some of the many challenges the ICC faces in order to secure a fair trial. The evidence is required to be translated into Zaghawa, as the accused do not fully understand and speak any other language. However, there are virtually no professional translators or interpreters for Zaghawa, and the ICC has had to hire and train native speakers to reach the required level of proficiency to provide language support.

The proceedings on the situation in Kenya have progressed significantly in the past year. There are two cases, each involving three senior persons alleged to be responsible for murder, persecution and other crimes in connection with the violence that erupted in Kenya following elections held in December 2007. All six individuals complied with summonses issued by the Pre-Trial Chamber in March and voluntarily came to the Court, first in April for an initial appearance, and again in September for more substantive hearings on the confirmation of charges. In January at the latest, the Pre-Trial Chamber will issue its rulings on whether the cases should proceed to trial.

In the context of the Kenya situation, the ICC set a legal precedent by dismissing the Kenyan Government's challenge against the admissibility of the two cases. The Pre-Trial Chamber and the Appeals Chamber both held that the Government of Kenya had failed to provide sufficient evidence to substantiate that it was investigating the six suspects for the crimes alleged in the proceedings at the ICC.

A decision on the confirmation of charges is also pending in the case against Callixte Mbarushimana, charged with attacks on the civilian population allegedly committed in the Kivu region of the Democratic Republic of the Congo in 2009. He was arrested last year by the French authorities, and I thank France for this valuable cooperation with the ICC.

In addition to the seven investigations, the Office of the Prosecutor is conducting preliminary examinations regarding Afghanistan, Colombia, Georgia, Guinea, Honduras, Nigeria, Palestine and the Republic of Korea, as well as receiving information concerning many other countries. Such situations, however, do not necessarily evolve into formal ICC investigations, particularly if the competent national authorities investigate the crimes and prosecute the alleged offenders.

When I spoke before the Assembly last year (see A/65/PV.39), I expressed my deep concern over the fact that the ICC's arrest warrants for Joseph Kony and three other alleged commanders of the Lord's Resistance Army had been outstanding for more than five years in the situation in Uganda. Unfortunately, that remains the case, and the same applies to Bosco Ntaganda in the situation in the Democratic Republic of the Congo. In the situation in Darfur, the arrest warrants against President Al-Bashir, as well as those against Ahmad Harun and Ali Kushayb, remain outstanding.

This is deeply distressing for the victims as well as the international community. I implore States to redouble their efforts to bring the persons in question to justice. I also wish to recall that the Security Council has urged all Member States to cooperate with the ICC with respect to the situation in Darfur, Sudan, and the situation in Libya.

Explaining to victims why some arrest warrants have not yet been implemented is one of the challenging tasks of the ICC's outreach programme. Every week, often in remote towns and villages of the situation countries, outreach meets with hundreds of people, making the process of justice more accessible

and understandable to those affected by the crimes under the Court's jurisdiction. Special sessions are organized for groups consisting of women and children. I have personally had the privilege of participating in outreach activities in the Democratic Republic of the Congo and Uganda. I was deeply moved by the victims' struggle to rebuild their lives, and by their cries for relief and justice.

The concern for the plight of victims is reflected in the various ways in which victims are empowered by the Rome Statute as participants in judicial proceedings, as recipients of reparations following a Court conviction, and as beneficiaries of victims' assistance provided by the Trust Fund for Victims that is associated with the ICC.

Working in the situation countries, the ICC informs victims about their rights and helps them turn the possibilities offered by the Rome Statute into concrete action. During the past 12 months alone, the ICC has received more than 10,000 victims' applications for participation or reparation. Legal assistance provided by the ICC has made it possible for thousands of victims to participate in the proceedings through their lawyers. More than four years of victims' assistance in northern Uganda and the Democratic Republic of the Congo have seen the Trust Fund for Victims mature into a solid institution. By recognizing the particular needs of victims of the most serious crimes, for instance for reconstructive surgery and trauma-based counselling, the Trust Fund has been able to articulate a truly human dimension to the process of international criminal justice.

As the ICC's first judgments are drawing closer, we may in the coming year see also the first-ever judicial decisions by the ICC on reparations to victims. When that moment comes, the Trust Fund for Victims will have an important role to play, both as an implementing agency for Court-ordered reparations and as a possible source of complementary financing of reparations awards, in the case that a convicted person is found indigent.

Five countries have acceded to or ratified the Rome Statute in 2011, which is more than during any single year since 2003. I would like to take this opportunity to extend a warm welcome to Grenada, Tunisia, the Philippines, Maldives and Cape Verde, which have taken that important step during the last six months. I thank all those that facilitate informed discussions about the Rome Statute in different parts of the world, for instance Qatar, which hosted the first regional conference on the ICC for the Middle East and North Africa region in May.

Many important decisions are carried out by the States parties, including amendments to the Rome Statute and the election of the highest officials of the Court. The forthcoming session of the Assembly of States Parties in December here in New York will be of particular significance, because for the first time since the Court's establishment, both a prosecutor and six new judges will be elected.

An important change will also occur at the helm of the Assembly of States Parties, which will receive a new President. I would like to pay tribute to Ambassador Christian Wenaweser, the Permanent Representative of Liechtenstein to the United Nations, who has provided excellent leadership of the Assembly for the past three years, and to welcome Ambassador Tiina Intelmann of Estonia, who has been recommended by the Bureau of the Assembly as his successor.

A month ago, the Secretary-General pronounced from this rostrum that "[t]o prevent violations of human rights, we must work for the rule of law and stand against impunity" (*A/66/PV.11, page 2*). I wholeheartedly agree with this statement, which highlights the relevance of the Rome Statute and the ICC to wider international efforts to protect human rights and promote the rule of law. Indeed, the preamble to the Rome Statute sets out the Court's objectives, several of which overlap with the purposes of the United Nations. The common objectives of these two institutions include the prevention and punishment of serious international crimes, the maintenance and restoration of international peace and security, and a guarantee of lasting respect for and enforcement of international law.

The ICC is deeply grateful for the invaluable cooperation we continue to receive from the United Nations in a wide variety of areas ranging from security and field operations to the exchange of information with and testimony of United Nations officials. I greatly appreciate the mainstreaming of ICC issues through the United Nations system, and the Organization's significant support for strengthening national capacity to address atrocity crimes in

accordance with the principle of complementarity enshrined in the Rome Statute.

I warmly welcome the increased focus that the United Nations is placing on the rule of law and justice through regular reports and discussions here in the General Assembly and the Security Council. I am optimistic that the proposed high-level meeting on the rule of law to be held during the sixty-seventh session of the General Assembly will give these discussions new impetus.

The United Nations and the international community have recognized that justice is an integral element of conflict resolution. In his 2009 report on mediation, the Secretary-General stated that "[w]hen conflicts lead to gross violations of human rights and international humanitarian law, peace and justice are indivisible" (*S/2009/189, para. 35*). The report cautioned that ignoring the administration of justice leads to a culture of impunity that will undermine sustainable peace and recognized that when

> "the jurisdiction of the International Criminal Court is established in a particular situation, then, as an independent judicial body, the Court will proceed to deal with it in accordance with the relevant provisions of the Rome Statute and the process of justice will take its course" (*ibid., para. 37*).

I call upon all actors to follow this guidance to respect the ICC's jurisdiction. if justice is to have an impact, it must follow its own rules without interference and without being subject to political considerations.

On 1 July 2012, we will celebrate the Court's tenth anniversary. Coinciding with that, a new chapter will open for the ICC as the mandate of the first Prosecutor, Luis Moreno-Ocampo, comes to an end and he hands the baton to his successor. With the increasing relevance of the ICC in the international community's response to conflicts, the amount of work before the Court has grown significantly. So far, the Court has managed to cope by seeking savings and simply working harder, and I am proud that we can play such an important role in the service of the international community. However, if the expectations of us keep growing while our resources remain the same, the situation may become untenable.

I appeal to all United Nations Member States to stand united behind the international efforts to suppress the gravest crimes known to humanity. The Rome Statute is based on common values of fundamental importance: peace, security and the well-being of the children, women and men of the world. By joining this community, each State adds a brick to a wall that protects future generations from terrible atrocities.

Mr. Sefue (United Republic of Tanzania): At the outset, the African States parties wish to reaffirm their unwavering support for the fight against impunity for the most serious crimes of concern to the international community. We stress that those who are implicated in such crimes must be held accountable.

The Group would like to express its appreciation to the President of the International Criminal Court (ICC), Judge Sang-Hyun Song, for presenting the seventh annual report on the work of the Court, as submitted to the United Nations in document A/66/309. The report clearly demonstrates that the Court is a living institution that has achieved significant progress in its investigations and judicial proceedings.

The International Criminal Court is a historic development in the global struggle to advance the cause of justice and the rule of law, and to end impunity. Its creation represents a major success in international law. It seeks to foster a more peaceful and just world. It promotes respect for the rule of law. It upholds international humanitarian law and human rights.

The International Criminal Court has become an essential instrument in the prevention of horrendous crimes such as genocide, crimes against humanity and war crimes. Not only does it act as a deterrent to potential perpetrators, but its mandate ensures that persons accused of those offences are actually brought to justice in accordance with the provisions of the law.

The Court's deterrence against the most serious international crimes is beginning to be felt as it engages in greater judicial activity. As a fully functional judicial institution, the Court is making substantial progress in its work and is developing its own jurisprudence on fundamental aspects of the law. We look forward to the first verdict of the Court, which is expected to be delivered by the end of the year. The role played by the Court is indeed one of the noblest achievements of our time.

War crimes, crimes against humanity and genocide know no borders. We must therefore work

together to fight those crimes. The Rome Statute is built upon the principle that the most heinous crimes of international concern must not go unpunished. To that end, the Rome Statute affords States the opportunity to deal with cases of human rights violations under domestic law and allows the ICC to assume jurisdiction only where national judicial systems have failed, are unable or are unwilling to act. However, the primary responsibility for bringing offenders to justice remains with States. The principle of complementarity is a positive development in the quest to promote and protect human rights by ensuring that accountability prevails.

If the Court is to be effective and successful, universal ratification of the Rome Statute is fundamental. Equally important, we have to ensure that the perpetrators of the world's most egregious crimes are denied safe haven and brought to justice. We therefore need to step up our collective efforts to promote the universality of the Rome Statute.

This year two African States, Tunisia and Cape Verde, ratified the Rome Statute, bringing the number of African states that have ratified the Statute to 33. We welcome the increased ratification of the Rome Statute from different regions of the world. However, in order to reach our common goal of ensuring that perpetrators of heinous crimes are brought to justice, we must redouble our efforts and continue to work for the universal acceptance of the Rome Statute.

The ICC relies on the cooperation of its member States, international organizations and civil society in discharging its mandate. The Relationship Agreement with the United Nations has been very instrumental in the success of the activities of the Court. The African Group supports strengthened and enhanced cooperation, as provided under the Relationship Agreement.

The cooperation of the international community, the United Nations and other international and regional organizations remains vital to the success of the Court. The cooperation of the African region is especially critical. The ICC would not be the Court it is today without the valuable input, involvement and support of the majority of African States. African States were actively involved in the negotiations of the Rome Statute and have been actively involved in the work of the Court since its inception. At 33, the number of African States parties to the Rome Statute is close to 28 per cent of the 119 States parties. All six of the Court's current cases, three of which are self-referrals, are from Africa.

All of this illustrates the high regard that the region has for the protection and promotion of the rule of law. African States avail themselves of the judicial assistance provided by the Court in cases that, due to their complexity and/or political sensitivity, lend themselves to be better dealt with by the Court. It is not true that Africa is against the Court and its rationale.

It is true, nevertheless, that there is a lingering perception that relations between the ICC and African countries could be better. Perhaps even more African countries would ratify the Statute if those relations improved. Obviously, the majority of African countries are against impunity and want to see the ICC contributing to the development of a culture of good governance and respect for human rights across the continent. It is therefore important for the next Prosecutor of the ICC to prioritize the improvement of relations between the Court and the African Union. It is incumbent upon States parties to bear that in mind as they consider candidates for that important position and ensure that we elect a Prosecutor who can rise to that challenge. The future success of the Court will depend on improved relations with its supporters across Africa.

Mr. Loulichki (Morocco), Vice-President, took the Chair.

The administration of international criminal justice in Africa has precedent in the Special Court for Sierra Leone and the International Criminal Tribunal for Rwanda. Those two judicial bodies have established respect for the rule of law and have brought peace, order and stability to conflict-torn societies. In conclusion, I wish to reiterate the African Group's willingness to remain engaged in the work of the Court as we uphold the cause of ending impunity and reinforcing respect for the rule of law.

Ms. Kaukoranta (Finland): I have the honour to speak on behalf of the five Nordic countries Denmark, Iceland, Norway, Sweden and my own country, Finland.

Let me start by thanking the International Criminal Court (ICC) for its annual report to the United Nations (see A/66/309). I would also like to

thank Judge Sang-Hyun Song, President of the ICC, for his very informative presentation highlighting key issues in the report. Both the report and his introduction distinctly reflect the increasing activities of the Court.

The reporting period is marked by significant events for the ICC and for the global fight against impunity. In February, the Security Council used for the second time the powers granted in the Rome Statute and unanimously referred the Libyan situation to the Court. That is yet another acknowledgement of the fact that the ICC is a necessary tool in ensuring that perpetrators of international crimes are brought to justice. Recently, the Pre-Trial Chamber granted the Prosecutor's request for authorization to open investigations proprio motu into the situation in Côte d'Ivoire. The ICC is today more relevant on the international scene than ever before.

Moreover, the number of judicial proceedings, investigations and preliminary examinations is growing. That puts pressure on the Court to deliver on its core function of ensuring accountability for the most serious crimes of international concern. As the workload increases, necessary resources have to be ensured for the Court to fulfil the mandate given to it. The effective functioning of the Court is of the utmost importance for the Nordic countries.

The end of the current reporting period has also been marked by the tragic news of Judge Antonio Cassese's death. Judge Cassese was the first President of both the Special Tribunal for Lebanon and the International Criminal Tribunal for the former Yugoslavia, and he also had a long career in academia. He was one of the most prominent figures in the field of international criminal justice, and he will be sorely missed.

The Nordic countries welcome the first ratification, by San Marino, of the Kampala amendment to article 8 of the Rome Statute. The jurisdictional reach of the Court is also expanding as the number of States parties to the Statute constantly grows. As Cape Verde recently became the 119th State to join the Statute, the goal of universal ratification is yet one step closer. The Nordic countries also warmly welcome to the ICC family Seychelles, Saint Lucia, the Republic of Moldova, Grenada, Tunisia, the Philippines and Maldives, which have all ratified the Rome Statute since the beginning of the reporting period.

The Court is not, however, able to carry out its mandate without strong cooperation from States. It is a very worrying development indeed that the number of outstanding arrest warrants is also growing. We would like once more to recall the legal commitment of States parties to cooperate with the Court and to respect the obligations of the Rome Statute.

Similarly, in the Darfur situation we call on all States, and the Sudanese authorities in particular, to cooperate fully with the Court and to comply with their legal obligations under Security Council resolution 1593 (2005). We would also encourage the Security Council to consider measures that would ensure compliance with that resolution.

As far as the cooperation extended by the United Nations to the Court is concerned, the Nordic countries have taken note with great satisfaction of the various forms that such cooperation has taken, as detailed in the report before us.

The Court plays an important role in ensuring that those who have committed the gravest crimes cannot escape justice. In addition, the ICC and the Rome Statute system have a role in the broader framework of fostering the rule of law. It is States that bear the primary responsibility to investigate and prosecute ICC crimes in accordance with the principle of complementarity that governs the Court's jurisdiction. That relationship received new impetus from the Kampala Review Conference and its preparatory process.

There are persuasive arguments for enhancing national capabilities to try alleged perpetrators. In this respect, we would like to draw attention to the ICC's Legal Tools Project. The Legal Tools database is the leading resource for legal information on core international crimes and will help those who are entrusted with the investigation, prosecution, defence and adjudication of such crimes to work more cost-effectively.

It is of great significance for the victims and their communities to see that perpetrators are brought to justice in their own country. In cases where national trials are not an option for various reasons, the International Criminal Court is an indispensable vehicle for ensuring justice and accountability. It is

also vital to ensure that the issue of victims' participation and protection remains high on the agenda of the International Criminal Court.

Let me finish by reiterating the Nordic countries' firm and long-standing support for the International Criminal Court. As the Court is faced with challenges on many fronts, our resolution to overcome those challenges and to extinguish impunity must be even stronger.

Mr. Rowe (Australia): It is my honour to speak today on behalf of the group of Canada, Australia and New Zealand (CANZ). On behalf of that group, I would like to thank the President of the International Criminal Court (ICC), Judge Sang-Hyun Song, for his excellent report (see A/66/309) on the work of the Court over the past year.

The International Criminal Court remains a concrete expression of our collective desire to ensure justice for victims of atrocity and to end impunity for perpetrators of the most serious crimes through a law-based system. Ultimately, and ideally, it is States themselves that have primary responsibility for prosecuting serious crimes committed in their territory or by their nationals. Where this does not happen, the Court acts as a complementary and necessary safety net of accountability.

Over the past year, we have witnessed the growth of political and diplomatic support for the ICC. There are now 119 States parties to the Rome Statute. We warmly welcome the membership this year of Grenada, Tunisia, the Philippines, the Maldives and Cape Verde. We are particularly pleased at the increase in representation in the Rome Statute system from States in the Asian region, which has been underrepresented for some time.

The workload of the Court continues to grow. A landmark development this year was the Security Council's unanimous referral of the situation in Libya to the ICC in the early stages of the conflict. That second Security Council referral demonstrates both its members' respect for the work of the Court and the important role of the Court in international peace and security architecture. CANZ welcomes the statements of the National Transitional Council that it is committed to accountability and to the establishment of a new system of Government in Libya in which individual rights are protected under the rule of law.

Of course, the swift and decisive action taken by the Council with regard to Libya can be contrasted with the Council's inaction in relation to Syria. CANZ takes this opportunity to call on the members of the Security Council to take action to ensure that the perpetrators of Rome Statute crimes that appear to have been committed in Syria are brought to justice.

CANZ welcomes President Ouattara's confirmation of Côte d'Ivoire's acceptance of the Court's jurisdiction as a non-State party under article 12, paragraph 3, of the Rome Statute. We welcome the opening of an investigation with respect to crimes committed since 28 November in Côte d'Ivoire. We hope that fruitful cooperation between Côte d'Ivoire and the ICC on ensuring accountability will contribute to stability in the long term and encourage Côte d'Ivoire to join the Rome Statute as a permanent State party.

Although the Court has never been busier, the cooperation of States in enforcing international arrest warrants remains a challenge. CANZ recognizes the difficulties that non-execution of Court requests can impose on the Court's ability to fulfil its mandate, and urges all States parties to fully comply with Court requests for cooperation.

One of the most important flow-on effects of the ICC has been to act as a catalyst for States to ensure their domestic capacity to deal with crimes under the Rome Statute. In order to link complementarity and broader efforts to fight impunity over the long term, the international community must focus on building the national capacity of States to assume their responsibilities in the justice sector. In this regard, CANZ notes the conclusions of the World Bank's *World Development Report 2011* with respect to the importance of restoring confidence in institutions capable of delivering justice, security and economic reform in order to break the cycle of violence in fragile States.

With the delivery of the closing statements in the trial of Thomas Lubanga, who is charged with having committed war crimes in the Democratic Republic of the Congo, and the imminent delivery of a judgement in that case, the Court is entering a new phase in its development. Six new judges will be elected at the December meeting of States parties. The quality of judges will determine the quality of justice that the Court is able to deliver. We urge States Parties to

consider, when making their decisions with regards to the election, the important pre-trial, trial and appeal work that will be undertaken by the judges of the Court in coming years.

The next Assembly of States Parties will also elect the next prosecutor for a term of nine years. We take this opportunity to thank outgoing Prosecutor Louis Moreno-Ocampo for the firm leadership he has brought to this important position in the Court's formative years.

We are pleased that the search committee process has produced four eminently qualified candidates for the position of Prosecutor. The candidate selected by the Assembly will have the important responsibility of steering the Office of the Prosecutor through the next phase of the Court's development.

Canada, New Zealand and my own country, Australia, are deeply committed to working for the Court's success as an essential safety net for preventing impunity. We call on those States not yet party to the Rome Statute to join us in the fight to end impunity and bring justice to the victims of those crimes that, by their very nature, deeply shock the conscience of all responsible members of the international community.

Mr. Charles (Trinidad and Tobago): I have the honour to make this statement on behalf of the 14 member States of the Caribbean Community (CARICOM).

Today's debate on the report of the International Criminal Court (ICC) (see A/66/309) is an important item on the Assembly's agenda, as it provides an opportunity for all Member States, States parties, States not parties and observer States to assess the work of the Court over the past year. CARICOM therefore express its appreciation to His Excellency Sang-Hyun Song, President of the Court, for presenting the report submitted pursuant to the Relationship Agreement between the United Nations and the ICC.

CARICOM notes the progress made by the Court during the reporting period in the discharge of its mandate set out in the Rome Statute, namely, to bring to justice the perpetrators of those crimes listed in article 5 of the Statute. While we recognize the efforts of the ICC to move forward and bring the cases now before it to a successful completion — as exemplified in the case of *The Prosecutor* v. *Thomas Lubanga Dyilo*, where a verdict is expected by the end of the year — we remain concerned over the lack of progress in some other matters. These matters include, for example, the case of *The Prosecutor* v. *Joseph Kony* and others, where lack of progress is due to the failure to execute four arrest warrants that have been outstanding since July 2005.

CARICOM urges all entities that have binding legal obligations to cooperate with the Court to ensure that the accused persons are arrested and brought to the Court for trial. Any continued failure to resolve this protracted matter would serve to further inhibit the ability of the ICC to bring to justice individuals who are accused of committing grave atrocities that have affected and continue to affect thousands of victims, including women and children.

We also note with appreciation the Prosecutor's attempts to investigate and monitor information on crimes potentially falling within the jurisdiction of the Court beyond the African continent. These involve situations in Latin America, Asia and Eastern Europe. CARICOM views these developments as suitable rebuttals to the arguments proffered by some detractors of the Court who have alleged that the ICC has been targeting Africa while ignoring atrocities committed elsewhere.

The ongoing work of the Court demands that it be provided with sufficient resources to effectively discharge its functions. While we acknowledge the obligations of States parties to the Statute to finance the operations of the Court, CARICOM recalls the provisions of article 115, paragraph (b) of the Statute, which identifies funds of the Court as including:

> "Funds provided by the United Nations, subject to the approval of the General Assembly, in particular in relation to the expenses incurred due to referrals by the Security Council".

CARICOM is of the view that now is an opportune moment for the Court and the United Nations to engage in some form of dialogue on this subject, especially since this is a time when the referral of a new situation by the Security Council has increased pressure on the resources available to the Court.

The ICC is a unique institution in many respects. That is due, in part, to its reliance on the cooperation of States parties, other States and intergovernmental organizations to carry out its work efficiently. We commend the growing areas of cooperation between

the ICC and the United Nations within the framework of the Relationship Agreement between the two organizations. These areas include cooperation in security matters, air transport in support of missions in situation countries and the signing of a memorandum of understanding in order to facilitate the secondment of an expert from the Office of Internal Oversight Services to act as the temporary head of the Independent Oversight Mechanism established by the ICC.

CARICOM also welcomes the increased areas of cooperation between the United Nations and other intergovernmental organizations, including the Organization of American States and the Commonwealth. Such collaboration will assist the ICC and the international community at large in the promotion of peace, security and an end to impunity.

Over the past year, we have also witnessed an increase in the number of States that have become adherents to the Rome Statute. We now count among the 119 States parties our sister CARICOM member State of Grenada. We also welcome Cape Verde, the Philippines, the Maldives and Tunisia to the fold. Additional ratifications of the Rome Statute by members of the international community will not only increase the universal reach of the Court, but will also provide further legitimacy to the institution.

The ICC is at a critical period in its history. At the tenth session of the Assembly of States Parties in December, here at the United Nations, a new Prosecutor will be elected. We wish to salute the sterling contribution made by the ICC's first Prosecutor, Mr. Moreno Ocampo, who has served the institution with distinction. We also appreciate the work of the search committee established to assist States parties in identifying a suitable successor to be elected as Prosecutor at the upcoming session.

Six new judges will also be elected in December. CARICOM has endorsed the candidature of Justice Anthony Thomas Aquinas Carmona of Trinidad and Tobago to fill one of the vacancies that will arise on the bench of the ICC. We are fully convinced that Justice Carmona meets all of the requirements laid down in article 36 of the Statute for election as a judge of the ICC, and we would welcome the support of all States parties for his candidature.

Finally, as a region that has played a significant role in advancing the cause of the ICC and international criminal justice as a whole, CARICOM will continue to work with the Court in order to enable it to live up to the expectations of its founding fathers to serve as a bulwark against impunity while safeguarding fundamental human rights.

Mr. Vrailas (European Union): The European Union (EU) and its member States thank the International Criminal Court (ICC) for its seventh annual report to the United Nations, covering the period from 1 August 2010 to 31 July 2011 (see A/66/309).

The European Union is a staunch supporter of the International Criminal Court. Consolidating the rule of law and respect for human rights, as well as preserving peace and strengthening international security, in conformity with the Charter of the United Nations, are of fundamental importance to the Union and a priority for it. The Seychelles, Saint Lucia, the Republic of Moldova, Grenada, Tunisia, the Philippines, Vanuatu, the Maldives and Cape Verde — countries from different regions have joined the circle of States parties to the Rome Statute, bringing its number to 119. The European Union welcomes the new members and pledges to continue its efforts to achieve universality and preserve the integrity of the Rome Statute.

The first Review Conference of the Rome Statute, in Kampala, was a major milestone and, moreover, provided a forum for States, international organizations and representatives of civil society to reaffirm their resolve to promote the Statute, make specific pledges to that end and submit themselves to a stocktaking of international criminal justice. That stocktaking addressed four fundamental issues in the Rome Statute system. That useful exercise culminated in the adoption of two resolutions and a declaration and clearly identified the areas on which we ought to concentrate our efforts.

The Kampala Conference successfully concluded its discussions on the subject of two amendments to the Rome Statute. The first aimed at extending the Court's jurisdiction over additional war crimes in situations of non-international armed conflict, and the second concerned the crime of aggression. The European Union commends the spirit of consensus that prevailed, which enabled a final agreement to be reached.

As it pledged at the Kampala Review Conference, the EU has further reinforced its policy in support of the ICC. This has been translated into important direct

financial assistance to the Court, to civil society and to third States. Nevertheless, the recent report of the ICC, while commendable insofar as it describes the effort that the Court has made in fulfilling its mission, describes the challenges that the ICC is facing. The number of acts of violence that continue to be perpetrated, particularly against women and children, is extremely worrying. The international community must concentrate its efforts to ensure that it is effective in punishing such crimes and preventing them in future.

In this regard, we should recall one of the fundamental principles of the Rome Statute: complementarity, by which it falls first and foremost to each State to investigate and prosecute the presumed perpetrators of the most serious crimes against the international community and by which the Court may exercise its powers only in the event that a State is unable or unwilling to do so. The European Union and its member States are determined to pursue their commitments to this end for the effective implementation of the Rome Statute. Thus we need to reinforce our collective and individual efforts to ensure that the international arrest warrants issued by the ICC are enforced.

In this regard in particular the European Union and its member States also recall that Security Council resolution 1593 (2005) imposes obligations to cooperate with the Court on a State not party, in this case the Sudan. The EU regrets the Sudan's violations of its international obligations and commends the reaffirmation by the Kampala Review Conference of the need for all States parties to fully meet their obligations under Part 9 of the Rome Statute. In that connection, it expresses its concern about the difficulties raised by certain States parties in relation to the enforcement of those obligations.

Unless all the stakeholders in the international community — the States parties and the States not parties, international organizations and civil society — put up a united fight, the objectives of the Rome Statute and, more generally, the purposes and principles of the United Nations Charter with regard to international peace, security and world well-being will not be achieved. Despots who commit acts that are crimes under the Rome Statute will continue to get off scot-free and use their influence to continue their activities unchallenged. As for their victims, they can only hope that justice will be done and that they will receive some sort of compensation.

The support the Court receives from the United Nations is broadly described in the Court's report. The European Union welcomes that support and calls on other international organizations to follow its example by stepping up and formalizing their cooperation. For their part, the European Union and its member States undertake to pursue their efforts in the area of the fight against impunity, notable by giving the Court full diplomatic support and continuing dialogue with its various partners to clear up any misunderstandings and dispel any concerns. It has been relentless in its efforts to date and undertakes to continue them.

Mr. Bambus (Estonia): Let me begin by thanking the President of the International Criminal Court (ICC), Judge Sang-Hyun Song, for introducing the seventh annual report of the ICC to the United Nations (see A/66/309).

Estonia aligns itself with the statement just made by the European Union on behalf of its member States.

The Court is indeed busier than ever with its judicial activity, with seven situations under investigation and three trials ongoing, in addition to a wide range of preliminary investigations being carried out in several regions of the world. Estonia is grateful to all the Court's staff for their daily efforts in discharging its mandate to prosecute the perpetrators of the most serious crimes of concern to the international community. Estonia remains steadfastly committed to the principles of the Rome Statute and to promoting the rule of law.

As the President of Estonia said in his statement to the General Assembly in the general debate at its sixty-sixth session, "The rule of law and respect for international law are what will help ravaged and victimized societies to regain their dignity and rebuild their communities" (*see A/66/PV.11, page 48*). Our joint efforts remain crucial in this regard.

My delegation would like to highlight four issues that are significant to the Court's work. These are, first, the importance of pursuing universality of the Rome Statute; secondly, the significance of the upcoming elections of the Prosecutor and judges; thirdly, the need for better coordination in assisting national capacity-building; and fourthly, the importance of engaging

regional organizations and providing information about the activities of the Court.

We are particularly pleased to note the increase in the number of States parties to the Rome Statute with the accession of eight new States since the beginning of the reporting period. This month, Cape Verde became the 119th State party to the Statute, which means that with the next accession the symbolic 120 States — the exact number voting for the Statute in 1998 — will be reached. The steady growth in the number of States parties demonstrates the increasing political will to combat impunity and enforce accountability. Estonia warmly welcomes this trend towards universal adherence to the Rome Statute.

The Court is now entering a period of leadership transition. The election of a new Prosecutor is a crucial decision that will have a huge impact on various aspects of the Court's life. The election process set up by the Bureau is aimed at successfully electing, by consensus, the best-qualified individual for the position. Clearly, the work of the search committee gives valuable input in that regard, and we are pleased to note that all States have respected its mandate. It needs to be emphasized once again that the search committee is technical in nature and has an assisting function only. The final decision lies solely in the hands of the States parties.

The Assembly of States Parties will also elect six judges, which will significantly change the bench's composition. Estonia believes that the efficiency of the Court largely depends on States parties electing judges who are qualified in terms of their judicial expertise and experience in the practice of criminal law. We wish to thank civil society for its efforts in helping States to take informed decisions in that regard.

Among other elections, the new President of the Assembly of States Parties for the next triennium will be elected. At this point, I am pleased to state that after consultations with all regional groups, Estonia has put forward the candidacy of Ambassador Tiina Intelmann for the post of the President of the Assembly of the States Parties to the Rome Statute. If elected, she would be the first woman President and the first to work full time for the Assembly, which would make an additional contribution to its work.

Turning briefly to the issue of complementarity, as we all know, a State can pursue this principle only if it has the necessary legislative and institutional capability to prosecute the crimes covered by the Rome Statute. More needs to be done to better coordinate the efforts of States, the Court, international organizations and civil society in assisting national capacity-building for the effective investigation and prosecution of the most serious crimes. For example, an interactive platform for information sharing in that regard would be a commendable initiative.

Given the role of the ICC in international criminal justice, the positive engagement of regional organizations is one of the keys to the Court's success. The ICC is currently active in many regions of the world via preliminary examinations, while the Court's judicial proceedings are mostly taking place with regard to countries that have specifically requested it to investigate or to situations which the Security Council had referred to the Court. Thus, open and constructive dialogue among the ICC, regional organizations and States is necessary to build confidence and avoid possible misunderstandings. Against that backdrop, we welcome the organization of the regional conferences held this year in Doha and Addis Ababa and encourage further steps in that direction.

In conclusion, I would like to reiterate Estonia's strong and long-standing commitment to an independent and credible International Criminal Court.

Mr. Osman (Sudan) (*spoke in Arabic*): We have studied the report of the International Criminal Court (see A/66/309) very carefully, in particular sections II and III as they refer to my country, the Sudan. We find it astonishing that despite the major important positive developments that occurred in the Sudan, especially in Darfur, the report, like those preceding it, continues to be based on purely political motivations and is filled with information that contradicts the facts.

We find ourselves once more confronted with the issue of politics masquerading as law. Nothing is more dangerous than politicizing international justice at the hands of such a body as the International Criminal Court. Since the first preparatory meetings to negotiate the drafting of its Statute, we have repeatedly warned of the dangers of politicizing this Court and diverting it from its intended objectives.

As the Permanent Representative of Tanzania already mentioned, we, as Africans, in fact participated in all negotiations on the first draft of the Rome Statute. Since then, we have been warning of the importance of keeping international justice separate

from politics so as to prevent some States from using it as a tool to exclude and overlook the acts of some countries, while unjustly punishing other countries. The law itself does not recognize selectivity and double standards.

In principle, linking a political body with a judicial body is a violation of the principles of justice. The best evidence for that may be found in article 13 (b) of the Statute, which discusses the referral of cases by the Security Council to the International Criminal Court under Chapter VII of the Charter. Furthermore, the very referral by the Security Council of any case under Chapter VII is in and of itself a political decision.

I need not elaborate further to the Assembly that since the establishment of the modern State, all have agreed on the importance of separating the judiciary from the political and executive powers. Yet, here today in the twenty-first century, we are combining political and judicial powers. Moreover, as I just mentioned, the very referral of a case by the Security Council to the Court is a political decision disguised as law. I need not elaborate further on the Council's working methods and the mechanisms whereby it adopts resolutions, which the Assembly knows well in view of its continued participation in discussions of such issues as reform of the Security Council and improving its working methods and its decision-making procedures.

The topic has remained a major concern for all Member States of the Organization who have continued, for over two decades now, to meet in order to reform that body; however, to no avail. Given that it was not logical for the Security Council to decide on a resolution, some Council members have exploited article 13 (b) of the Rome Statute and manipulated it to serve their political aims.

Security Council resolution 1593 (2005), which referred the situation in Darfur to the ICC, was a shameful political decision that ignored the fundamentals of the Charter of the United Nations and international law. It also ignored the very important fact that peace is the foundation of justice and that President Omer Hassan A. Al-Bashir was the leader who put an end to one of the longest conflicts in Africa when he signed the Comprehensive Peace Agreement with our brothers in South Sudan. He was the one who enabled them to exercise their right to self-determination. Indeed, President Al-Bashir was the first world leader to recognize that nascent State and to offer it a helping hand. He was also the leader who put an end to the conflict in Darfur through the signing of the Darfur Peace Agreement in Doha, Qatar with the much-appreciated support of our sisterly State Qatar.

Paragraph 25 of the report before the Assembly addresses President Al-Bashir's visits to several States parties to the Rome Statute with the claim that those States had an obligation to cooperate with the International Criminal Court. That interpretation is based on the alleged obligation in article 87 of the Rome Statute. However, the Prosecutor of the Court has overlooked the text of the Statute, specifically article 98, which refers to the importance of respecting the principles and rules of international law and international agreements concerning immunities of Heads of State and high-level Government officials and the well-established fundamentals of international law, which protect the sovereignty of States with respect to their other international obligations, even if those conflict with the Rome Statute.

That well-established principle of international law is understood even by college students. In other words, it refers to the right of the receiving States that hosted our President. Therefore, it is the sovereign right of States, although they may be party to the Rome Statute, to consider their obligations or interests under other regional or international agreements above their obligations under the Rome Statute.

Why have all of those issues been ignored despite the fact that they are specified in article 98 of the Rome Statute? Where is the binding obligation — as per the legal terminology — referred to in the report? To the contrary, article 98, as mentioned above, indicates that the decision to receive His Excellency President Omer Hassan A. Al-Bashir is purely a sovereign matter and thus resides solely in the hands of the receiving country.

It is very clear that the Prosecutor is dealing with the Rome Statute in a selective manner. He picks and chooses the articles that enable him to achieve political gains, while overlooking those that contradict his wishes. My country must therefore, from this rostrum, remind everyone of the importance of their professional commitment to the fundamental principles of the Charter of the Organization concerning respect for international legitimacy and State sovereignty. The

primacy of the Charter of the United Nations above all other law dates back to 1947 and is a major foundation of international law.

That law and the solid fundamental principles of international law concerning the immunity of seated Heads of State and Government have been respected and observed by the International Criminal Court itself, which is an institution that enjoys our respect and appreciation for its continued efforts to issue fair and legal opinions.

Thus, we could hardly react otherwise, when discussing a Head of State who was selected by his people through fair and general elections that were subject to observation by regional and other observer teams from all over the world, and from many international organizations, including the United Nations that affirmed their transparency.

State immunity is a sacred principle that cannot be altered by a newly created mechanism that has yet to find its proper place in international law and has not yet generated merit and credibility for its work through the efforts of its staff and employees.

The basis upon which the Darfur file was referred to the International Criminal Court was politically unfair and unjust. It was created through resolution 1593 (2005) pursuant to article 13 (b) of the Rome Statute, which the Sudan has never ratified. As the members of the Assembly know well, the Vienna Convention on the Law of Treaties specifies that if a State has not signed, ratified or acceded to a certain treaty, it is not bound by the treaty. My country has never ratified the Rome Statute, nor acceded to it or signed it. Thus, in what manner would the Statute be binding upon the Sudan?

From the beginning the Prosecutor's approach was purely political and entirely unrelated to the law or the principles of justice, the most important of which are integrity and impartiality. Those important characteristics must be available and made part of those charged with implementing justice.

The Prosecutor has exceeded his authority with respect to referrals under article 15 of the Rome Statute, which specifies and limits the authority of the Prosecutor. In this case, the Prosecutor has exceeded his authority and engaged in impassioned political and media campaigns. Politics and media activities are not part of the work of the Prosecution. Such political and media campaigns, especially in the Security Council, have taken place each time the Prosecutor has submitted a report or given a briefing. Needless to say, justice has its own sacred approach built upon impartiality, just as politics and media activities have their own approaches and their own styles. Anyone who wants to serve a political agenda is not deserving of being allowed to conduct any judicial activity, and will not be working in the service of justice. The Prosecution would have been better advised to abide by the well-known conduct of judicial professionals. Mixing politics with the law in such a way is actually the true danger that threatens the principle of international justice, because it raises questions about its credibility and will force everybody to abandon it.

In addition, the Prosecution has made it a habit to overlook the facts. It overlooked the fact that peace takes precedence over justice. Justice cannot prevail or maintain its balance unless peace prevails as well, as illustrated by numerous prior experiences in conflict resolution throughout the world. We have seen how in many countries, following the resolution of the conflict, the parties have made consensual efforts towards reconciliation and reparations. The experience of South Africa comes to mind. In that case, the worst and cruellest practices of apartheid took place, with the grossest of violations. However, subsequently, everyone chose peaceful resolution, reconciliation and reparations.

It is therefore not surprising that our mother continent of Africa is being targeted. If ones goes back to the information available, they will find that African leaders make up the overwhelming majority of those targeted by the International Criminal Court. We are the ones paying the price of that misuse of the principle of the concept of universal jurisdiction. In addition to the various imbalances that exist in the working methods of the Security Council, that concept was taken out of its proper context and has been misused through the Rome Statute — in addition to the various imbalances that exist in the work methods of the Security Council.

Texts and articles were misused by certain circles to use the International Criminal Court as a tool to target certain African States and leaders, as if Africa were the sole jurisdiction of the Court. That has led the African Union to adopt the principled position of strongly rejecting that blatant politicization of justice — a position reaffirmed by all summit meetings

of the African Union. Everybody knows this; it is beyond question.

Moreover, the Council also knows well that that position has been supported by a considerable number of major regional organizations and political groups at the United Nations. From this rostrum, I would like to express my appreciation to all member States of those organizations that, although States parties to the Rome Statute, have nevertheless never hesitated to declare their total rejection of the Court's transformation from a legal body to a body for political schemes and extortion far removed from the purposes and objectives for which the Court was created.

What kind of justice, while fixated on events in Africa, completely overlooks the hundreds of thousands of civilians who suffered genocide and were collectively exterminated using the most modern machines of death and destruction in areas beyond the continent? Where are the preconditions for the exercise of jurisdiction as stipulated in article 12 of the Rome Statute?

The Sudan would like to reiterate its firm confidence in the peace-loving nations that, guided by the values of true justice and equality, would never accept the politicization of justice in that fashion, or the diversion of the International Criminal Court so far away from the objectives for which it was founded. We are fully confident that all States Members of the United Nations, including States parties to the Rome Statute, have completely understood the reasonableness and logic of the Sudan's position in refusing to deal with the Court. As I explained through my earlier reference to the Vienna Convention on the Law of Treaties, the Sudan is not a party to the Rome Statute.

In conclusion, let me share the most recent positive developments concerning the resolution of what remains of the conflict in Darfur, which is our main concern. Thanks to the much appreciated efforts of the sisterly State of Qatar and the roles of the African Union and the United Nations, including the assistance of regional and international partners, our ongoing efforts over many years culminated in July in the signing of the Doha Document for Peace in Darfur.

In the spirit of the Doha Document, Mr. Al-Haj Adam Youssef, one of Darfur's most notable leaders and himself a son of Darfur, was appointed Deputy President of the republic. In addition, just two days ago, Khartoum welcomed Mr. Tijani Sese, leader of the Liberation and Justice Movement, which is a signatory to the Doha Document for Peace in Darfur, who has been appointed to head the regional authority of Darfur. In other words, the sons of Darfur are now themselves responsible for Darfur regionally, and at the federal level are represented in the post of Deputy President. One of the main priorities of the regional authority of Darfur is to bring about full peace and stability through urgent development projects focused on development, recovery and reconstruction, including creating an environment conducive to stability and the voluntary return of internally displaced persons.

The Government of the Sudan has also approved the allocation of £2 billion annually as an initial step in order to achieve those objectives. Our sisterly State of Qatar has also announced the allocation of $2 million to assist in the reconstruction of Darfur. In other words, the process of peace, reconstruction and development has already started in Darfur. The Doha Document, which is already being implemented, contains clear guidelines for reconciliation, reparations, justice, settlements and the restoration of the social fabric of Darfur. Would it not be better for the international community to support those efforts, as it has done with other countries that suffered similar conflicts? As I mentioned earlier, it should do so by encouraging reconciliation and the peaceful settlement of disputes.

The Sudan has its own judicial system, well known for its quality, efficiency, integrity and professionalism — a solid legal heritage that has spread beyond the borders of the Sudan itself to several other States. Our legal system is more qualified and capable than any other entity to restore the balance of justice and to address the various claims and grievances arising from the conflict that we have already moved past by signing the Doha Document for Peace in Darfur.

That Document calls for the creation of special tribunals, which will start to work to uphold justice in Darfur. In accordance with the Doha Document, we stand ready to receive international observers from United Nations and other entities to observe the work of the special tribunals as they restore the balance of justice in Darfur.

Mr. Tag-Eldin (Egypt): At the outset, I would like to express Egypt's appreciation to the President of the International Criminal Court (ICC) for submitting

the report under consideration today (A/66/309), and to the Court for playing an important role in the development of concepts of international criminal law to address the heinous crimes committed against peoples and societies and to fight impunity.

At this time of fundamental change in the Middle East, adhering to the principles of the Rome Statute and other international human rights instruments sends a strong and unequivocal message to the international community that we have to embrace these shifting times and commit to human rights and the rule of law. During the past few months, Egypt has demonstrated its unflinching commitment to enter into a new era in which society is guided by clear rules, by the principles of justice and equality before the law and by the practice of respect for human rights and fundamental freedoms.

International criminal tribunals are becoming increasingly important in the enforcement of the rule of law and in promoting universal adherence to international law, international humanitarian law and human rights law, in the service of maintaining international peace and security. It is a well established principle that their role is complementary to that of national judiciaries, which have the primary jurisdiction to prosecute their citizens who commit such crimes. In the meantime, it should be understood that the sovereignty of States entails responsibility, and any State's primary responsibility is to ensure the safety and security of its citizens and protect its people from crimes.

Egypt welcomes the increased engagement of the Court with the League of Arab States, and participated actively in the regional diplomatic conference on the Court convened in May 2011 in Qatar. That conference was the first major event of its kind in the Middle East aimed at providing information on the workings of the Court and its legal framework. Moreover, Egypt continues its constructive dialogue with the Court. We received the Court's Prosecutor, in an effort to enhance cooperation with the Court as a State not party to the Rome Statute.

In the same vein, Egypt took note of the outcomes of the Review Conference of the Rome Statute convened from 31 May to 11 June 2010 in Kampala, at which States parties made significant pledges on a wide range of issues, one of which was to arrive at a definition of the crime of aggression, taking into account the importance of that issue, especially as circumstances and developments on the international scene indicate the need to reach such a definition. That will enable the Court to exercise its jurisdiction over that crime along the lines of the other crimes falling within its jurisdiction.

The Court can also benefit from the ongoing discussions in the International Law Commission on the immunity of State officials from foreign criminal jurisdiction, with a view to enriching dialogue and exchange of views among the international legal and judicial bodies working in the framework of multilateralism, which should enhance conformity and complementarity in the work of those bodies.

Egypt also stresses that the International Criminal Court should continue to pursue a balanced approach in its work by adopting a policy that accentuates its judicial nature, so as to ensure its impartiality and independence and allow the Court to assume its legal and moral obligations. Furthermore, the procedures for investigating, gathering evidence and authenticating documents need to be improved, especially with regard to investigating crimes and providing strong material evidence, to confirm the consistency of the crimes committed and those defined in the Statute.

Consequently, Egypt reiterates that the Court should respect the considerations to which I have referred when dealing with the African cases referred to it. The Court should also consider cases from other parts of the world. Otherwise, the continued consideration of cases focused on one region of the world may give the mistaken impression that crimes against humanity are being committed only in Africa or that the Court does not target other regions where those crimes are also being committed. The Security Council should also take that into consideration when referring cases to the ICC. In that context, Egypt expresses its support to the call of the African Union to the Security Council to defer the processes initiated by the ICC with regard to the cases of the Sudan and Kenya, in accordance with the provisions of article 16 of the Rome Statute.

It is also imperative that the Prosecutor expedite the decision to begin the investigation of the crimes against humanity committed in the occupied Palestinian territory. We reaffirm the responsibility of the international community to follow up the recommendations of the report of the United Nations

Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48), as recommended by the General Assembly in its resolution 64/10, of 5 November 2009, and resolution 64/254, of 26 February 2010. In that regard, the Court should ensure that there is definitively no impunity, as a prerequisite to upholding the word of justice and the establishment of legal norms that we all strive to implement, while consolidating the application of the rule of law to all peoples and communities, without exception.

Mr. Wenaweser (Liechtenstein): I would like to thank the President of the International Criminal Court (ICC) for presenting another rich report on the activities of the Court (A/66/309). The Court continues to have a profound impact in several conflict and post-conflict situations in furtherance of its mandate to fight impunity, in accordance with the Rome Statute. We are particularly pleased that the number of States parties has grown to 119, just one shy of the number of States that voted in favour of the Rome Statute in 1998. We warmly welcome Cape Verde, the Philippines, the Maldives, Tunisia and Grenada as new members of the ICC family.

The new momentum in the quest for the universality of the Rome Statute bears testament to its quality and to the highly professional work carried out by the Court. More and more States are willing to support the Rome Statute system, and accept the jurisdiction of the ICC as complementary to their own primary jurisdiction. While the acceptance of the Court's jurisdiction is not yet universal, the main principle underlying the Rome Statute indeed is. There must be no impunity for the worst crimes under international law. Indeed, in writing the Rome Statute, States merely confirmed and further codified that principle, which was well established in pre-existing international law. States parties to the Rome Statute avail themselves of an additional mechanism by which they can promote the implementation of that principle.

In addition, the Security Council, utilizing its powers under the Charter and under the Rome Statute, may also trigger the Court's jurisdiction. That the Council has chosen to do so twice in the short history of the Court is a further testament to the widespread recognition of the quality of the Court's work.

We would like to encourage all States that have not yet done so to consider the advantages of joining the Rome Statute. The most important of those is that the Court, as an independent international institution, may if necessary conduct investigations and trials concerning crimes committed on the territory of a State party or by its nationals. The Court thus provides protection, through its deterrent effect, as well as a system of accountability and justice with strong regard for the rights of victims.

The ICC is not a mechanism of universal jurisdiction, as has been said before from this rostrum. Rather, it builds mainly on the existing territorial jurisdiction of the State concerned. It also provides protection to States parties with regard to crimes that may be committed on their territories by nationals of other States, including States not party to the Statute. The Court's jurisdiction is, however, complementary to domestic jurisdiction, which takes precedence as long as national authorities are willing and able to conduct genuine investigations and prosecutions.

The ICC is one of the most important tools in the fight against impunity, but it is not the only one. It is States themselves that play the greatest role in that respect. Fighting impunity is, in most cases, best undertaken at the national level, in particular since the ICC and other international mechanisms can only deal with a limited number of cases. It is thus imperative that all States — not just States party to the Rome Statute — ensure domestic capacity and willingness to investigate and prosecute the most serious crimes under international law.

The international community must do better in encouraging and assisting such efforts. We believe that the efforts conducted within the United Nations could be strengthened through better coordination, in particular through the Rule of Law Coordination and Resource Group.

Recent and ongoing events in North Africa and the Middle East have once again highlighted the particular challenges and the indispensable role of justice mechanisms in conflict resolution. The victims of crimes and human rights violations deserve and demand justice, just as much as they deserve and demand peace. As numerous examples in the past have shown, transitional processes must include a justice component as a fundamental building block of sustainable peace. Amnesties for those responsible for the most serious crimes are inherently incompatible with that principle and risk reigniting the cycle of violence.

Earlier this year, the Security Council referred the situation in Libya to the International Criminal Court in resolution 1970 (2011). It did so, for the first time in history, by a unanimous vote. That swift action allowed the Court to initiate its investigations at an early stage and therefore in a most efficient manner. It is our hope, however, that the Council has learned the lessons of the Darfur referral and will, if necessary, insist that the Court receive due cooperation from all States concerned.

Such long-term follow-up is an indispensable part of responsible interaction with the Court, which should not simply be employed as a short-term exit strategy for complex conflict situations. In that context, we also note that the issue of funding of ICC investigations mandated by the Council remains an open question that should be addressed, in accordance with the United Nations Charter and the Rome Statute — and it should be addressed by the General Assembly.

Since this is the last chance I have to speak on this topic while also serving as President of the Assembly of States Parties to the Rome Statute, I would like to take this opportunity to thank all the States parties for the trust they have placed in me over the past three years.

Mr. Zellweger (Switzerland) (*spoke in French*): My delegation would first like to thank President Sang-Hyun Song for presenting the seventh annual report of the International Criminal Court (see A/66/309). We also wish to express our appreciation to all the staff members of the Court for their daily efforts in fulfilling their work, which is constantly growing.

My delegation would like to bring five points to the attention of the General Assembly. First, the International Criminal Court is now an integral part of the international architecture. The year 2011 was marked by the unanimous decision of the Security Council to refer the situation in Libya to the Court in resolution 1970 (2011). That constituted a recognition of the fight against impunity as a precondition for lasting peace. It also reflects the fact that the Court has become a necessary and indispensable instrument for the international community. We welcome that development.

That brings me to my second point. The Court cannot be effective in isolation. We should consider specific proposals on how the Court's activities could be better integrated into the international system. The Court should be considered an essential component of the international community's efforts, particularly in post-conflict situations. It can only develop its full potential in close cooperation with all efforts to restore the rule of law and to deal with the past.

We therefore emphasize how crucially important it is for the Court to be able to cooperate with States, regional and international organizations and civil society, both at the institutional and operational levels. However, it is essential, of course, that such an integration be carried out with full respect for the Court's independence.

Thirdly, with 119 States parties, the Court's march towards universality is inevitable. This should encourage States that still have fears or reservations about it to seriously consider ratifying the Rome Statute and becoming active members of the Assembly of States Parties to the Rome Statute. Moreover, the prompt ratification of the Kampala amendments to the Rome Statute is also necessary in order to help realize the Court's bid for universal standing. Clearly, the inclusion of the crime of aggression in the Rome Statute is a milestone that strengthens *ius contra bellum*. That should be applauded.

Fourthly, Switzerland underscores that the mission of the Court, and the fight against impunity in general, entail real responsibilities. On the one hand, the ICC is responsible for selecting the situations and cases it follows. It must be able to explain why it takes action in some cases and not in others. On the other hand, those who refer situations to the Court also bear a responsibility. If they ask the ICC to become involved in a situation, they must fully assume the consequences. For example, they cannot invoke so-called alternative routes to justice.

More generally, States must show complete consistency in their support for the Court. One cannot applaud the issuance of arrest warrants in one case and criticize them or even fail to execute them in other cases. That does not mean that the Court is above criticism. On the contrary, it must be accountable for its activities to the Assembly of States Parties as well to the international community as a whole.

Fifthly — and this is my last point — the responsibility of States parties to the Court implies that it be given the means to fully carry out its mandate. When the United Nations makes a referral to the Court, thereby increasing its work load, the question arises

whether it would not be reasonable to expect the United Nations to contribute towards covering the related costs.

In conclusion, the Court is a channel for the international criminal law system, which is progressively developing. The fight against impunity pursues a civilizing goal — a more humane and peaceful world. To accomplish its mission, the Court needs our full support. Its activities this year have once again shown us that it fully deserves that support.

Mr. Yamazaki (Japan): I would like to thank President Sang-Hyun Song for his in-depth report on the most recent work of the International Criminal Court (ICC) (see A/66/309). Japan attaches great importance to the rule of law in the international community. In that regard, we have been actively assisting the work of the ICC, which is the only permanent international criminal court contributing to the maintenance of international peace and security through the punishment of the most serious crimes of concern to the international community as a whole.

Our basic stance on the Court can be expressed in the following four words — effectiveness, efficiency, universality and sustainability. Those four criteria will determine the future of the ICC and whether we can universalize it. As the number of the States parties to the Rome Statute increases, safe havens for perpetrators will be reduced and preventive effects should be enhanced.

To encourage more States to become members of the ICC, the Court should produce a solid record of performance by both effectively implementing its activities and efficiently managing the conduct of its work. In order for the Court to realize effectiveness and efficiency, it is important for us to bear in mind that we should not put excessive burdens on the Court, but rather develop it in a systematically sustainable way.

As this year's report by the Court mentions, five new States acceded to or ratified the Rome Statute during the reporting period. The Government of Japan would like to welcome those new members and is looking forward to working with them. Besides those five States, the Asia-Pacific Group has witnessed two States becoming new members of the ICC more recently this year. The Government of Japan would like to extend our warm welcome to the Republic of the Philippines and the Republic of Maldives. Although those two States bring the number of the States parties in the Asia-Pacific Group to 17, we would like to continue especially encouraging the Asia-Pacific States that have not yet done so to accede to or ratify the Statute and join the circle to end impunity.

Let me finally touch upon the issue of cooperation. The experience of the ICC, although relatively short, has reaffirmed the importance of cooperation among the various stakeholders. There is no doubt that cooperation by States is indispensable for the effective and efficient implementation of the Rome Statute, including the arrest and surrender of suspects and the collection of evidence. In those cases where full cooperation has been extended by the States concerned, the ICC is making steady progress. Where such cooperation has not been forthcoming, the ICC faces serious challenges.

Close cooperation among the Court, States parties and civil society is also essential for the further development of the Court. In addition, cooperation between the Court and the United Nations, including the Security Council, is becoming more important, especially as we have witnessed the second referral by the Security Council to the Court this year. The Government of Japan is willing to actively and constructively participate in the discussion on the way forward to further strengthen cooperation.

Japan sincerely hopes that the points it has raised today will be given serious consideration by the ICC, the States parties, other States and civil society.

In conclusion, let me express the sincere appreciation of Japan for the work that the ICC has accomplished to date. It is our hope that the ICC will continue to work diligently in the fight against impunity and to consolidate its credibility and reputation. In that regard, Japan is determined to continue to strengthen its contribution to the ICC and thus to the establishment of the rule of law throughout the international community.

Mr. Limeres (Argentina) (*spoke in Spanish*): Argentina expresses its appreciation and recognition to the President of the International Criminal Court, Sang-Hyun Song, for submitting the report of the International Criminal Court contained in document A/66/309.

The Rome Statute and the International Criminal Court are among the most notable achievements of

multilateral diplomacy, and their contribution to the fight against impunity with regard to crimes against humanity, genocide and war crimes is evident. Only a decade after the adoption of the Rome Statute, the Court is a fully functioning permanent international criminal tribunal.

Since the last report of the International Criminal Court to this Assembly (see A/65/313), in addition to the situations in Uganda; the Democratic Republic of the Congo; the Central African Republic; Darfur, Sudan; and Kenya, the Security Council referred the situation in Libya to the ICC, and Pre-Trial Chamber III authorized the Prosecutor to open an investigation on Côte d'Ivoire. The Prosecutor is also carrying out preliminary examinations of situations in Afghanistan, Colombia, Georgia, Guinea, Honduras, Nigeria, the Republic of Korea and Palestine.

This year finds the Rome Statute and the International Criminal Court even stronger than before. To date, 119 States are parties to the Statute. In this regard, I would like to welcome to the Statute Cape Verde, the Philippines, Grenada, the Maldives and Tunisia.

The other reason for satisfaction is the first ratification of the amendments to the Rome Statute, by San Marino.

Regarding the amendments to the Rome Statute, let us recall that the modification of article 8 has added to the war crimes committed in the context of armed conflicts of a non-international character the use of poison or poisoned weapons, the use of asphyxiating, poisonous or other gases and all analogous liquids, materials or devices, and the use of bullets which expand or flatten easily in the human body. Such amendments are a step forward in the fight against impunity regarding breaches of international humanitarian law.

But it is the amendments on the crime of aggression that determined the historic significance of the 2010 Kampala Review Conference, given that, with the adoption of articles 8 *bis*, 15 *bis* and 15 *ter*, the mandate of the now deleted paragraph 2 of article 5 of the Rome Statute, regarding the crime of aggression, is fulfilled.

The Court will be able to exercise its jurisdiction over crimes of aggression committed one year after the ratification or acceptance of the amendments by 30 States parties and when the parties have adopted a decision, after 1 January 2017, to activate the exercise of jurisdiction of the Court in accordance with the amendment.

We the States parties must commit ourselves to ratifying the amendments adopted in Kampala as soon as possible.

Through resolution 1970 (2011), the Security Council, acting under Chapter VII of the Charter, decided to refer the situation in Libya since 15 February 2011 to the Prosecutor of the Court. We support that decision. But there are two aspects about which I would like to express Argentina's serious concern, given their potential significant impact on the international criminal justice system established with its basis in the Court.

Paragraph 6 of the resolution provides that

> "nationals, current or former officials or personnel from a State outside the Libyan Arab Jamahiriya which is not a party to the Rome Statute of the International Criminal Court shall be subject to the exclusive jurisdiction of that State for all alleged acts or omissions arising out of or related to operations in the Libyan Arab Jamahiriya established or authorized by the Council, unless such exclusive jurisdiction has been expressly waived by the State".

The Security Council followed the dangerous precedent in the referral of the case of Darfur, Sudan, of creating for Security Council referrals exceptions to the Court's jurisdiction that are not provided for in the Rome Statute.

The other area in which the Security Council adopted a decision that could have a serious impact on the Court is the contents of paragraph 8 of resolution 1970 (2011), in which the Council recognized that

> "none of the expenses incurred in connection with the referral ... shall be borne by the United Nations and that such costs shall be borne by the parties to the Rome Statute ...".

Such a provision is inconsistent with Article 115 of the Rome Statute, paragraph (b) of which provides that the expenses of the Court and the Assembly of States Parties shall be provided by

> "(f)unds provided by the United Nations, subject to the approval of the General Assembly, in

particular in relation to the expenses incurred due to referrals by the Security Council".

The summary of the annual report of the Court points out that "the growing casework and the referral of a new situation by the Security Council has increased pressure on the resources available to the Court".

Beyond the competence of the General Assembly with regard to budgetary matters, the 2004 Relationship Agreement between the United Nations and the International Criminal Court also governs this issue. In article 13 the Agreement provides that "the conditions under which any funds may be provided to the Court by a decision of the General Assembly of the United Nations pursuant to article 115 of the Statute shall be subject to separate arrangements" and that "[t]he Registrar shall inform the Assembly of the making of such arrangements". Nevertheless, the issue of the conditions for the provision of funds by the United Nations in accordance with article 115 of the Rome Statute has not been addressed.

We therefore urge Member States to take up this issue, given that in the present situation, in which the Court is fully functioning in a variety of cases — including those referred to it by the Security Council — the failure to take action with respect to the funds to be provided by the United Nations by virtue of article 115 of the Statute will only have a negative impact on the cases currently before the Court and on the proprio motu action of the Prosecutor.

The International Criminal Court is the first permanent international criminal tribunal. For the full exercise of its jurisdiction, the cooperation of States, in particular States parties, is required. The report of the Court indicates that warrants of arrest are outstanding for a total of 12 suspects and that the cooperation of States in bringing these persons to justice continues to be a key condition for the effective implementation of the Court's mandate.

We should recall that Part 9 of the Rome Statute establishes obligations for the States parties. We must therefore strengthen our efforts to ensure full cooperation with the Court, in particular in the enforcement of Court decisions and the execution of warrants of arrest.

I shall finish by recalling the goals and purposes of the Rome Statute, as stated in the Kampala Declaration:

> "the noble mission and the role of the International Criminal Court in a multilateral system that aims to end impunity, establish the rule of law, promote and encourage respect for human rights and achieve sustainable peace, in accordance with international law and the purposes and principles of the Charter of the United Nations",

and to reiterate, once again, the firm commitment of Argentina to the International Criminal Court.

Mrs. Morgan (Mexico) (*spoke in Spanish*): Mexico wishes to thank the President of the International Criminal Court, Judge Sang-Hyun Song, for his presentation of the seventh annual report of the Court to the United Nations (see A/66/309).

We welcome the recent accession to and ratification of the Rome Statute of the International Criminal Court by five States. To date, 119 States Members of the United Nations have become States parties to the Rome Statute, which demonstrates the clear trend towards the universalization of the Statute.

In the nine years since the operationalization of the new judiciary system created by the Rome Statute, we have seen the International Criminal Court gradually consolidate its commitment to end impunity for the commission of the most serious crimes with international importance. This year will be especially representative, since it will mark the conclusion of the first trial undertaken by the Court since its creation. The *Lubanga* case will undoubtedly constitute a watershed in international justice, since it becomes the first case to be tried by a permanent international criminal tribunal. Mexico welcomes that and the other advances in the Court's judicial work, as detailed in the report (see A/66/309).

Despite the foregoing, and despite the Court's immense efforts, there are still important challenges that we the States parties to the Rome Statute must resolve.

To ensure the efficacy of the Court's endeavours in the investigation and prosecution of crimes, we Member States must ensure that outstanding arrest warrants are executed and that there is cooperation with the authorities of the Court. We believe it is

relevant to emphasize that States' full cooperation with the Court is a fundamental requirement so that it can carry out the mandate for which it was created.

The challenges facing the Court require the collaboration of States and regional and international organizations to fully and effectively solidify the Court as an institution, to make it a promoter of the rule of law at the international level and a true model of justice that complements the rule of law within each of its member States.

On the other hand, the coming months will offer an important opportunity to demonstrate the institutional strength of the International Criminal Court. During the tenth session of the Assembly of States Parties, the Court will undergo a change in leadership. The States parties will be asked to elect a new Prosecutor and six judges, who in turn will elect the next President of the Court. The Assembly will also have to examine matters related to governability and the lack of cooperation of States and will have to adopt a budget that reflects the Court's true needs but that also reflects the difficult global economic situation.

Those challenges are not small. The Court will need to demonstrate that, beyond the personalities that have accompanied it in its first steps, it has sufficient institutional strength to meet the judicial challenges in an unfavourable political and economic context.

With respect to the Court's efficiency, one fundamental matter on which all States parties to the Rome Statute will need to agree is the financing of its activities. The Court's mandate must be supported by the funds required for the investigation and prosecution of crimes and that guarantee its institutional functioning.

Equally important to the Court's effectiveness is the primacy of the principle of equity. My delegation firmly believes that international criminal justice does not refer simply to the set of rules that govern international society but that it also implies equity between the States and organizations that participate in it. In that respect, my delegation firmly supports the idea of finding a formula by which international organizations that refer cases to the International Criminal Court can participate, on an equitable basis, in financing its activities.

Other matters relevant to the near-term future of this tribunal have to do with reparations for damages to victims. We will pay attention to developments on this issue in the future.

With regard to integrity, Mexico believes it would be useful to undertake an analysis of the good practices of other international tribunals in order to ensure that the International Criminal Court incorporates experiences of proven success.

Mexico wishes to reiterate its commitment to the International Criminal Court and to strengthening it as an institution. This year, as in previous years, Mexico also introduced a resolution on the Court in the Organization of American States, urging the countries of the region to ratify and implement the Rome Statute and to cooperate with the Court. Mexico has also continued to participate actively in the working group on amendments, where we have presented a draft proposal to include the use of nuclear weapons as a crime falling under the jurisdiction of the Court.

The work of the Court contributes to achieving the goals of maintaining peace and international security that gave rise to the United Nations. It is up to the international community to work in concert to maintain the efficacy, efficiency and integrity of the Rome Statute and to help solidify the Court's position as a model of justice. Mexico reiterates its commitment to that goal.

Mr. Sorreta (Philippines): I am pleased to join in today's debate by affirming and expressing at the very outset the commitment of my country and my people to fighting impunity in all corners of our world.

On 30 August the Philippines became the 117th State to join the Rome Statute with the deposit of our instrument of ratification with the Secretary-General of the United Nations. That was an historic moment for my country and my people. We had stood up to the impunity of colonial rule and a dictatorship. Now we stand with the rest of the world in saying "Never again" to impunity anywhere.

Today we renew that pledge. Respect for and adherence to human rights are cornerstones of any thriving democracy and foundations of a stable and secure global community. It is therefore the responsibility of every individual, and even more so, every State, to promote, uphold and protect human rights.

Today the Philippines says that there should be no space for impunity in our world. Justice and the rule

of law dictate that those who act with impunity must be held accountable. In that regard, the Philippines has launched its candidature for a seat on the International Criminal Court. In Ms. Miriam Defensor Santiago, the Philippines has found someone eminently qualified for that position. We hope that our friends and partners will support our efforts to be part of the Court.

The Philippines welcomes the report of the International Criminal Court on its activities in 2009 and 2010 (see A/65/313), which details the inroads made by the International Criminal Court in the global fight against impunity. We would like to thank Judge Sang-Hyun Song, President of the Court, for his exhaustive report.

We note the Review Conference of the Rome Statute that was held in Kampala. The Kampala Declaration reaffirmed the commitment of States parties to the Rome Statute and to its full implementation, as well as its universality and integrity.

The decision to celebrate 17 July as the Day of International Criminal Justice underscores the importance of the Rome Statute, which was adopted on that historic day in 1998.

The Philippines also notes the stocktaking on international criminal justice held during the Review Conference, which focused on the impact of the Rome Statute system on victims and affected communities, peace and justice, and complementarity and cooperation. The Declaration on Cooperation, the Philippines believes, is vital in helping to provide support and improved assistance to States that seek to enhance their cooperation with the Court.

The Philippines likewise notes that the Court is seized of seven situations and is closely following developments in that regard. The opening of a new investigation, the three ongoing trials, the dismissal of charges against a suspect, the voluntary appearance, pursuant to a summons to appear, of two suspects in the Darfur situation, and the issuance of the second warrant of arrest are significant developments in the work of the Court and demonstrate a firm resolve to address impunity. We note that the execution of the nine outstanding warrants remains one of the pressing challenges.

The Philippines views with interest, together with others, the activities of the Office of the Prosecutor, which continues to work to proactively monitor all information on crimes potentially falling within the jurisdiction of the Court.

On international cooperation, the Philippines welcomes the Court's continued contact with the United Nations Office of Legal Affairs with respect to the testimony of United Nations officials, the provision of information and the mainstreaming of the Court throughout the United Nations system. The Philippines also welcomes the efforts made by the Court to keep itself apprised of institutional and judicial developments with respect to the cabinets of the Secretary-General and the Deputy Secretary-General, the Department of Peacekeeping Operations, the Department of Political Affairs, the Office for the Coordination of Humanitarian Affairs and UNICEF, among others. This demonstrates the vital link between the activities of the United Nations and the mandate of the Court.

The developments set out in the report show the inroads that the Court has achieved in prosecuting individuals responsible for the most serious crimes of international concern. Yet it is clear that challenges continue to confront the Court.

In closing, allow me to say that the Philippines shall do its part as a State party to ensure that Court is able to serve the cause of justice, consistent with its mandate.

Mr. Mukongo Ngay (Democratic Republic of the Congo) (*spoke in French*): My delegation took note of the seventh annual report of the International Criminal Court (ICC) (see A/66/309), as submitted by the President of the Court, Judge Song.

My delegation would like to begin by associating itself with the statement made by the Permanent Representative of the United Republic of Tanzania on behalf of the African States parties.

It is important to recall that the situation in the Democratic Republic of the Congo was referred to the ICC by the Congolese authorities, on behalf of the suffering people of a country in a post-conflict situation, which some rightly termed the first African world war. The ICC was created with the purpose of addressing this kind of situation. That is why the formulation of the Rome Statute, while it may be mere theory for some, represents for the Congolese people a living reality that they have experienced and continue

to experience. Wars and all forms of violence that strip human beings of their dignity and deny the sacredness of life know no boundaries. That reality, which some would like to limit to the Democratic Republic of the Congo so as to sidestep their obligations and responsibilities, is intolerable and unacceptable. This is a matter that concerns us all, and cooperation with the ICC should lie at the heart of our efforts.

With respect to cooperation, we would note once again that the Democratic Republic of the Congo is the first State party to have developed noteworthy and exemplary cooperation with the ICC. The endeavours carried out in that respect by my country make it a model of cooperation with the ICC, as evidenced by several legal instruments. The Democratic Republic of the Congo did not wait for the entry into force of the Rome Statute to ratify it. It did so on 30 March 2002, that is, more than three months before the entry into force of the treaty.

The Democratic Republic of the Congo took the initiative of referring its situation to the ICC as early as 3 March 2004, signed a judicial cooperation agreement with the Court on 6 October 2004, and concluded a legal assistance agreement with the United Nations Organization Mission in the Democratic Republic of the Congo and the ICC. The Democratic Republic of the Congo, with respect to the proceedings before the Court, on three occasions appropriately executed arrest warrants issued by the ICC with respect to Congolese nationals.

It is thus evident that the Democratic Republic of the Congo is convinced that peace and justice are complementary. We are fully aware of the irreplaceable role of justice as a factor in social cohesion, national reconciliation, peace, security and stability. It was through justice that peace returned to the region of Ituri, in North Katanga, and in other parts of the country. It is justice that enables peacebuilding efforts to continue with a view to ensuring security throughout our country.

The seventh annual report of the ICC, which is under discussion today, underscores the growing importance of the work of the Court and of the Rome Statute in the international arena. Along those lines, my delegation notes, with respect to the situation in the Democratic Republic of the Congo, that four cases are currently being considered, two of which are at the preliminary examination stage. My delegation is aware that the Court is only at the beginning stage of the trials and can therefore understand the lengthy nature of the proceedings, but it continues to hope that the first judgements of the Court will be handed down before the end of 2011.

My delegation would also like to take this opportunity to recall its interest in seeing the proposal of holding trials in situ translated into reality. It believes that this would offer the long-hoped-for opportunity to provide a certain moral satisfaction to the victims of the crimes in question as well as a means of deterring potential repeat offenders.

The progress made in international criminal justice has taken place in the context of strong shows of hostility against the Court. My delegation therefore deems it important that the Court implement mechanisms that can put an end to such campaigns, which risk undermining the Court's reputation and jeopardizing its success, even though more than half of the States Members of the United Nations had joined the Court less than five years after its inception.

However, it is equally important that the Court consider the manner in which it functions and reflect on its working methods so as to become more professional and less political, given that politics and justice do not necessarily go hand in hand.

In closing, my delegation would like to welcome to the group of States parties Tunisia, Maldives and Cape Verde, which recently joined the ICC, bringing the number of States parties to 119.

The Review Conference on the Rome Statute of the ICC, which took place in Kampala, Uganda, in May and June 2010, was for member States a useful occasion to reaffirm the achievements made in the context of the Rome Statute and to strengthen the conviction that the ICC is truly a gift of hope for future generations and a significant step forward towards respect for human rights and the rule of law. The Kampala Declaration, in which States reiterated their intention to promote the Rome Statute, its comprehensive application and its universal character; the results achieved by the international criminal justice system; and the amendments made to the Rome Statute, which now contains a definition of the crime of aggression and specifies the conditions in which the Court can exercise its jurisdiction over such crimes, are achievements that we must safeguard with the utmost care.

In conclusion, I should like to reiterate my delegation's wish to ensure the integrity of the ICC and to once again invite those delegations that have not yet done so to join the ICC mechanism, so that together we can contribute to the universality of the combat against impunity.

Mr. Hadi (South Africa): I would like to thank His Excellency Mr. Sang-Hyun Song, President of the International Criminal Court (ICC), and his team of judges not only for the report, but also for their tireless effort in the promotion of international criminal justice, with the ultimate objective of securing a peaceful world for all who live in it.

I associate myself with the statement delivered by the Permanent Representative of Tanzania on behalf of the African States parties to the Rome Statute.

We have taken note of the report of the International Criminal Court to the General Assembly contained in document A/66/309. We welcome new members Grenada, Cape Verde, Tunisia, Moldova and the Philippines to the family of the ICC.

Much has happened since the last time that President Sang-Hyun Song reported to the General Assembly (see A/65/PV.39).

First, post-election violence erupted in Côte d'Ivoire. Subsequently, Côte d'Ivoire submitted a declaration confirming a previous declaration accepting the Court's jurisdiction, in accordance with article 12, paragraph 3, of the Rome Statute. On 3 October, the Pre-Trial Chamber granted the Prosecutor's request for authorization to open investigations proprio motu into the situation in Côte d'Ivoire.

On 26 February, the Security Council referred the situation in Libya to the Court by resolution 1970 (2011). Pursuant to that resolution, the Prosecutor opened investigations in Libya. For its part, the Court has already issued arrest warrants against certain individuals in that particular situation.

In relation to the situation in Kenya, summonses have been issued against six suspects in two separate cases. All six suspects voluntarily appeared before the Court on 7 and 8 April respectively.

We have restated those facts, which are set out in the report, not to shed any insight on any of the cases, but simply to show the magnitude of the challenges facing the Court. As a firm believer in judicial independence, we shall restrict our observation on the judicial functions to a limited number of points.

With respect to the situation in Libya, and indeed other cases, whether past or future, that have been or may be referred to the Court by the Security Council, South Africa is well aware of the financial strain that that places on the International Criminal Court. Given that referral to the Court by the Council is, in accordance with Article 24 of the Charter, read with Article 39, done on behalf of the United Nations and all its Members, it is only fair that the financial burden of that task be borne by all Members of the United Nations, not only States parties to the Statute. Therefore, we hope that some consideration will be given to arriving at an agreement on funding mechanisms that would alleviate the budgetary strain resulting from the referral of cases by the Council.

The most recent cases under consideration by the Court, whether at the trial or the investigation stage, involve situations of internal conflict. That raises yet another challenge, the need to maintain not only actual, but also perceptions of, impartiality. At different forums, including before the Security Council, we have called for balanced investigations by the Office of the Prosecutor to ensure that atrocities committed by all sides in any conflict are investigated and, if necessary, prosecuted.

Needless to say, that imperative has to be balanced with financial considerations, and also with the present prosecutorial policy that only those most responsible should be tried before the ICC. If, however, the Court is seen as a victor's Court, that will have a negative impact on the image, credibility and integrity of the Court as an independent dispenser of justice.

We are pleased to see from the report that the Court will soon bring to a close its first case, the *Lubanga* case.

Further, as in the past, we have taken note of the situations under preliminary analysis by the Prosecutor. In our statement of last year, we called on the Office of the Prosecutor to consider those issues "with the requisite urgency" and come to a decision as soon as possible, particularly those that have been pending for a long period of time (see A/65/PV.41, p.20).

South Africa continues to believe that an important tool in the fight against impunity remains efforts to build national capacity to investigate and prosecute serious crimes that are of concern to the international community. It is thus appropriate that complementarity is at the heart of the Rome Statute. For that reason, South Africa, together with Denmark, continues to exert efforts to mainstream complementarity-related activities.

In June 2012, the term of the current Prosecutor will expire, and the new Prosecutor will have to take up the seat of the chief prosecutor. We wish to pay tribute to the outgoing Prosecutor, Mr. Luis Moreno-Ocampo, for the work that he has done in ushering the Court through its years of infancy. The next Prosecutor will have the task of taking the Court through its teenage years, which, as we all know, can be very testing. The next Prosecutor will have to maintain balanced and independent decision-making in a very tough political climate.

The search committee established by the Bureau has produced a short list of four candidates. We are hopeful that, under the guidance of its President, the Assembly of States Parties will in due course produce a consensual candidate. That task should be made much easier by the fact that the candidates presented by the search committee are of the highest quality.

As we end our statement, we wish to say a special word of gratitude to the President of the Assembly of States Parties, Ambassador Wenaweser, whose term expires in December. We thank him for his tireless effort. In the same breath, we stand ready to welcome Ambassador Intelmann as the President-elect. We are happy to affirm that we stand ready to support her as she leads the Assembly of States Parties into the future.

The International Criminal Court is an institution designed to create a better world through fighting impunity. We will continue to support the Court, so that it can grow from strength to strength.

The meeting rose at 6 p.m.

United Nations A/66/PV.45

General Assembly

Sixty-sixth session

Official Records

45th plenary meeting
Monday, 31 October 2011, 3 p.m.
New York

President: Mr. Al-Nasser ..... (Qatar)

The meeting was called to order at 3.25 p.m.

Tribute to the memory of His Royal Highness Crown Prince Sultan Bin Abdulaziz Al-Saud of Saudi Arabia

The President (*spoke in Arabic*): I would like to take the opportunity to pay my respects at the death of His Royal Highness Crown Prince Sultan Bin Abdulaziz Al-Saud of Saudi Arabia. It was with profound sadness and heartfelt grief that we learned of the passing of His Royal Highness.

His Royal Highness played a significant role in the Kingdom of Saudi Arabia and throughout the Arab and Muslim world. His Highness was greatly respected around the world for his vision, his wisdom and his statesmanship. On my own behalf and on behalf of the Member States of the United Nations, I would like to extend my sincere condolences to the royal family and to the Government and people of Saudi Arabia.

Agenda item 27

Social development

(b) Social development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family

Meeting devoted to the launch of the International Year of Cooperatives 2012

The President (*spoke in Arabic*): Members will recall that in its resolution 64/136 of 18 December 2009, the Assembly proclaimed the year 2012 the International Year of Cooperatives and encouraged all Member States, as well as the United Nations and all other relevant stakeholders, to take advantage of the Year as a way of promoting cooperatives and raising awareness of their contribution to social and economic development.

Also, by its resolution 65/184 of 21 December 2010, the Assembly decided to convene, at its sixty-sixth session, one plenary meeting of the General Assembly devoted to the launch of the International Year of Cooperatives 2012.

Today, we are launching the 2012 International Year of Cooperatives, based on the theme "Cooperative enterprises build a better world". We come together to mark this important year because we recognize that people must be at the centre of the social and economic development agenda. No country can develop unless the people themselves are developed. Enterprises organized on the cooperative principles of self-help, democracy, equality, equity and solidarity contribute immensely to this approach. They reduce poverty, create jobs and promote social integration. And they do so in the firm belief in the ethical values of openness, honesty, social responsibility and caring for others.

Cooperative movements have existed in many countries over the past 150 years, and today they play a pivotal role in advancing the United Nations development plan, including in efforts to achieve the Millennium Development Goals. Accordingly, Member States have repeatedly recognized the special character of the cooperative movement. The need for successful relationships between cooperatives and the public

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sector is evident in the commitments made and strategies adopted at the major United Nations conferences and summits.

At today's launch, we will focus our deliberations on the achievements of cooperatives. We will discuss how to advance our support for their objectives of bringing people together to collectively resolve societal problems at the grass-roots level.

Cooperatives offer a member-owned model of economic organizations that strive to meet the economic needs of members. The cooperative movement is also a catalytic force essential to meeting the global economic and employment challenges of a highly competitive global marketplace. Cooperatives play a mediating role in reconciling the logic of the market economy with the imperatives of social inclusion and ownership. That is particularly relevant and important in the aftermath of the global economic and financial crisis.

Cooperative enterprises are a means to revitalize disadvantaged communities without creating dependency. Cooperatives with operations in nearly all socio-economic sectors provide opportunities for dignified and productive employment. Cooperative enterprises empower whole communities and provide special support to disenfranchised groups, such as the disabled, women and youth.

By virtue of their organizational characteristics, cooperative enterprises are user-owned and community-responsive. They continue to aggregate economic power, thereby enabling communities to compete successfully in the global marketplace. In addition to providing affordable financial services to poor and low-income people, cooperatives have been instrumental in providing business assistance, managerial guidance, equipment and training to people in need.

Cooperatives contribute to food security, rural development and other social services. They not only provide productive employment opportunities to marginalized groups — including women, youth, persons with disabilities, older persons and indigenous peoples — but also make a valuable contribution through the technical assistance programmes of their human resources development component.

The critical role played by cooperatives in the sphere of global peace and security, particularly in peacebuilding, has helped to rebuild post-conflict areas through the prompt provision of essential financial services. Through their networks and federations, cooperatives have provided critical opportunities for people to connect and to work together to meet common goals. Moreover, cooperatives provide developing countries with opportunities to promote their exports and receive fair returns by strengthening linkages with cooperative international business networks.

In today's global economic climate, cooperatives are more important than ever, given their vital contribution to the achievement of global and national development goals. Cooperatives therefore deserve more support and encouragement. It is imperative for Member States and their partners to ensure that the appropriate legal and enabling environment is in place for cooperatives to thrive in their respective countries. We need to strengthen the linkages among cooperatives across the globe, improve statistics and the dissemination of information and enhance our support to technical assistance within cooperative movements.

Together, in partnership with Governments, cooperatives, civil society organizations and the United Nations system, let us commit to promoting sustainable development and global prosperity, including, inter alia, by strengthening cooperatives.

As the Assembly is aware, I designated sustainable development and global prosperity as one of my key pillars for the current session. I look forward to working with all Members to make progress on that issue as a means to ensure a brighter future for all. I look forward to a productive discussion.

(spoke in English)

I now give the floor to the Deputy Secretary-General, Her Excellency Ms. Asha-Rose Migiro.

The Deputy Secretary-General: Today, we launch the International Year of Cooperatives. We do this as the world is witnessing growing discontent over the ongoing effects of the financial and economic crisis. Increasingly, we see demands for change in the ways we live and work. Increasingly, we see the need for choices and values that are sustainable, responsible and inclusive.

In confronting those challenges, we can draw strength from the cooperative spirit. The cooperative movement balances both economic viability and social

responsibility. Cooperatives make enormous contributions, not only to their members, but also to their communities and societies. They help to reduce poverty and create jobs. They promote food security and inclusive finance. They empower youth, women, older persons, persons with disabilities and indigenous peoples. Hence, they serve as a significant social safety net.

The International Year of Cooperatives is an opportunity to raise public awareness about cooperatives, to promote their formation and to encourage Governments to establish policies conducive to their growth. Just as important, it offers a chance to underscore the importance of cooperative values.

One of those values is sustainability. Cooperatives focus on the long-term. Through their use of local labour and capital, as well as their respect for the environment, cooperatives strengthen local economies while creating a sustainable future.

Another cooperative value is solidarity. Cooperatives typically enjoy a strong community connection and hold themselves accountable to more than solely their members or clients. For cooperatives, the well-being of the broader community is as crucial as the well-being of its members.

A third signature value of cooperatives is inclusiveness. As self-help organizations, cooperatives are inherently people-centred. They meet not only material needs but also the human need to participate proactively in improving one's life. Moreover, with democratic decision-making processes and a focus on cultivating member skills and capacities, cooperatives offer a model for harnessing the energies and passions of all.

The International Year of Cooperatives coincides with the observance of the International Year of Sustainable Energy for All and with the United Nations Conference on Sustainable Development, to be held next June. Let us make the most of this confluence of events. Cooperatives present us with values and structures that are ideally suited for addressing the challenges we face. We must leverage these advantages not only to produce better businesses but to advance the broader imperative of sustainable development. In that way, we can live up to the Year's theme, "Cooperative enterprises build a better world".

The President: I thank the Deputy Secretary-General for her statement.

In accordance with resolution 65/184, I now give the floor to Dame Pauline Green, cooperative representative, to present the outcome statement of this morning's informal round table.

Dame Pauline Green: Please allow me to welcome my colleagues from the cooperative movement who have come from all around the world — indeed from 52 countries — to be here on this important day for our movement.

> "Cooperatives are a reminder to the international community that it is possible to pursue both economic viability and social responsibility."

In those few the words, Secretary-General Ban Ki-moon encapsulated the cooperative model of business and the capacity it has, in the words of the United Nations slogan for this International Year, to build a better world.

A background paper for the 1995 Copenhagen World Summit for Social Development stated that "cooperatives contribute directly to improve the standards of living of half the world's population". Those are words built upon facts. They reflect the fact that for nearly 200 years, cooperatives have been creating jobs across the world. Currently more than 100 million of the world's citizens are employed within a cooperative. They reflect the fact that, since their inception, cooperatives have not sought to ape their corporate competitors and maximize their profits, but rather to meet the needs of their member-owners.

It is no wonder then that today the cooperative movement is owned by nearly 1 billion people across the globe. That number reflects the fact that cooperatives have been a powerful player in embedding civil society across the world through the powerful medium of the creation of member-owned businesses. Those are businesses built on the principles of sound democracy, a commitment to an economic return to members on their trade with the cooperative rather than the size of their share-holding and a model whereby businesses have a wider social engagement as a core part of their DNA.

For nearly two centuries we have been helping to reduce conflict, build community cohesion, build skills and expertise, develop local leadership potential and support women in positions of economic activity and

leadership in their communities. All of those achievements have been developed with the intellectual underpinning of the value of collective endeavour in sustainable, member-owned local enterprises.

In effect, cooperatives have taken millions out of poverty with dignity, by helping them to build their own cooperative enterprises. Our commitment to our democratic and social agenda is built on a sound and successful member-owned business model. What is more, it is a business model that can compete successfully in the marketplace with other forms of business, and thrive.

Today, as the General Assembly launches the International Year of Cooperatives, the International Cooperative Alliance publishes its Global 300 — the list of the largest 300 of our many hundreds of thousands of cooperatives across the world. Together, those 300 cooperatives are worth $1.6 trillion, equivalent to the ninth-largest economy in the world, and they operate in some of the most competitive industries in the world — banking, insurance, agriculture, retail, health, utilities and others. The 300 list includes cooperatives from 25 different countries.

Our challenge is to make sure that more people in decisions-making positions, or those who exercise influence in the political or economic spheres, or indeed in the media, know about the size, scope and scale of the cooperative sector of the economy, the work it does to sustain and build communities across the world and its capacity to do so much more. That was one of the first messages coming this morning from the round table that was held here in this building.

The collapse of the financial sector of the global economy has had tragic results for families and communities in many parts of the developed world in particular. It is well documented now, not least by the International Labour Organization, that there is one part of the financial sector that has continued to grow its asset base over the past four years, where account holders and deposits have grown and which has continued to lend and indeed grown its lending to families and businesses — the cooperative financial institutions, of course.

Cooperatives are people-based businesses and, unlike their competitors, are not constitutionally bound to work to maximize profits for their shareholders. That point was made very strongly here this morning by the speakers at round table on the theme "Cooperative enterprises build a better world: contributions to sustainable development". Each of the contributors made a compelling case that the success, longevity and growth of their cooperative depend on a strong and abiding relationship with their member-owners, and on their trust and confidence in the priorities of the business that they own, in which they can play a significant role and in which, together, they are the key stakeholder. That is the same whether the cooperative is one of the earliest forms of cooperatives — banking, retail, insurance or agriculture — or whether it is one of the leading-edge, radical new community coops in the developed world, or a crucial small-village savings and credit coop in Africa.

What was also significant from the speakers this morning was the way in which they had a common case to make, from Mondragón in the Basque country of Spain, to Rabobank in the Netherlands, to the supply and marketing cooperatives in China. Each of them showed that regardless of size, each has a clear and continuing commitment to international development and is actively engaged in what they consider one of the commitments that comes with being a cooperative.

That work, however, would be much easier — and much more productive — if the cooperative model of business were taken more seriously and if all contributors used their own experience to make the case for three key points. First, member-owned cooperatives are a serious business model, with scale. Cooperatives are therefore asking that the specific and unique legal and financial framework of a cooperative be fully acknowledged and recognized in public policy and regulation.

Secondly, member-owned cooperatives are values-led businesses. Our values are integral to our business model, not just a marketing tool in the shape of a corporate social responsibility report once a year. They define our identity and our brand; they are part of our DNA. Cooperatives are asking that their model of business be given equal promotion with the stockholder model.

Thirdly, our governance model is people-led. At a time when people — especially young people, whom this recession is hitting so cruelly — are cynical about the political and economic models that dominate their

lives, when they are looking for a voice, in North Africa, the Middle East, Wall Street and across the world, and when they are looking for impact, the cooperative is not only an effective governance model, it is a compelling one. And cooperatives are asking that there should be greater diversification of the global economy to ensure a level playing field for the member-owned model of business.

Let me conclude by saying that our movement — because that is what it is, a movement — is conscious of the great gift that the United Nations has given us with this International Year: a gift that recognizes the cooperative impact on the socio-economic development of the world, and its capacity to do so much more. We wish to put on record our particular thanks to the Government of Mongolia, which put the original proposal for the Year on the agenda, and to the unprecedentedly large number of Governments that put their signature on the resolution to give effect to the Year.

It is an honour and a privilege for me to ascend the rostrum in this iconic Chamber. I am proud to do so in the name of the 1 billion cooperators across the world. I pay tribute to the great work that they do across the world to make it a better place. Together, cooperatives will work to make the International Year a powerful restatement of the cooperative ideal. It is our aim that, on 31 December 2012, we will be able to pivot from a successful International Year of Cooperatives to a decade of cooperative growth.

The President: As indicated in my letter of 21 October, an invitation has been extended to Mr. Gordon Brown, former Prime Minister of the United Kingdom of Great Britain and Northern Ireland, to make a statement at this meeting. If there is no objection, I shall take it that the Assembly agrees to hear the statement by Mr. Brown.

It was so decided.

The President: I now give the floor to His Excellency Mr. Gordon Brown, former Prime Minister of the United Kingdom of Great Britain and Northern Ireland.

Mr. Brown: First of all, let me say that I want to speak up for the 100 million employees of the cooperative movement, represented by 300 representatives here today from 52 countries. I would like to thank them for showing that the principles of human cooperation can make for a better global economy. I also want to speak out today on behalf of the 1 billion members of cooperatives worldwide, all of them affiliated with the International Cooperative Alliance, and to thank them for living their lives in the spirit of cooperation and public service.

I also want to stand up today for the half of the world's population who, either in buying from a cooperative or as part of a mutual association, know that the principles of cooperation — less poverty and greater equality — make for a better society in every part of the world. For literally billions of us are part of a movement across the generations of people who, however distantly, feel the pain of others. We are part of a movement of men and women who believe in something bigger than just ourselves. We are part of families and communities who believe in something quite monumental: that when the strong help the weak, it makes us all stronger. Let us therefore remember today, in this year of cooperation, that our interdependence, our mutual dependence on each another, is an ever-increasing fact of our lives. As Martin Luther King, Jr. — who is now commemorated in the pantheon of Washington, D.C. — said that we are part of an inescapable network of mutuality.

I remember the poetry that says it is the hands of others who grow the food we eat, who sew the clothes we wear, who build the houses we inhabit. It is the hands of others who tend us when we are sick and who lift us up when we fall. It is the hands of others who bring us into this world and who lower us into the grave. We are finding today that not only are we mutually dependent on one another for our survival and subsistence and success, but that there are global problems — not just common or shared problems that can be dealt with by bilateral or trilateral or Group of Seven action, but global problems: problems of climate change, of financial stability, pandemics, problems of security needed against terrorism, of inequality that can never be resolved unless there is cooperation between nations.

As this generation has found, if interdependence forces us to cooperate as a fact of life, then acting on that interdependence, which summons us to cooperate, is part of the moral sense of almost every individual we meet. We do more than to cooperate out of need. There is a human need to cooperate. Is it not the case that we cannot be truly happy when others are sad, that we cannot truly feast when others famish? Is it not the case

that we cannot truly be contented or complete as individuals when the lives of millions of other people are incomplete and full of discontent?

So I say that in this International Year of Cooperatives that we must do more than simply talk about our interdependence. We must talk more than simply about the moral sense that cooperation is good. We should from here, at this United Nations meeting today, in this year of cooperation, listen to those voices of discontent, the 200 million people around the world who are unemployed, the 80 million young people without hope that they can ever find a job, the 1.4 billion people who today still live in absolute poverty. We should listen to these voices and set out a cooperative vision for the future. It is not anti-wealth to say that wealth must do more than serve only the needs of the wealthy. It is not anti-enterprise to say that the purpose of enterprise is to support more than just the entrepreneur. And it is not anti-competition to say that without cooperation, competition may not lift us up but may pull us down.

Let me say to the Assembly that nothing would do more to show the principles of cooperation in action than if the world would come together to make a new commitment that by 2015 we will do everything in our power to meet the Millennium Development Goals. Nothing would send a bigger signal about our ability to come together for a common purpose than if we say we will achieve one by one the Millennium Development Goals.

Today I want specifically to talk about the importance of meeting the education Millennium Development Goal by 2015. It is a principle of the cooperative movement that everyone should have the chance of education and training. But today there are 70 million children not going to school; 70 million children denied the most basic of opportunities. I have met children who beg for the chance to get to school when it is denied them because of the failure to provide teachers, classrooms and the technology they need. So as part of the International Year of Cooperatives, let us make this year work for the children of the world by training teachers, building schools and delivering the technology that is needed to provide education in all parts of the world — so that we can genuinely say that we will be the first generation in history to achieve the right of every single child in the world to have the chance of education at school.

Now, in this year of cooperation, let us remember some of the great statements that have been made in support of cooperation over the decades. A few months ago I was asked by Harvard University to record, as part of a project, one of the great phrases from a speech by John F. Kennedy, his inaugural address to the American people in 1961. They asked people from every part of the world to contribute a recording of a sentence from that speech, so that they could make a compilation of his remarks during his famous inaugural address that could be sent around the world in remembrance of his historic words. Some Assembly Members will know those great words, because they are relevant to what we are talking about today.

"The torch has been passed to a new generation" and, yes, there is a new generation of cooperators emerging, as the cooperative movement goes from strength to strength. "Ask not what your country can do for you — ask what you can do for your country" is the call to public service that lies at the heart of the cooperative movement. "Let us never negotiate out of fear. But let us never fear to negotiate." That is the call to seek cooperation where possible and never to seek confrontation for its own sake. If a free society cannot help the many who are poor, it cannot save the few who are rich." That is a call for cooperation to ensure that our environmental resources and income and wealth are shared fairly around the world.

It is said that Richard Nixon, who was the defeated presidential candidate in 1961, was asked which of the words from Kennedy's inaugural address he would have liked to have read out. He said that there was only one phrase: "I do solemnly swear that I will faithfully execute the office of President of the United States of America". However, the words that I was asked to read, which I want to repeat to the Assembly today, were "Let both sides explore what problems unite us instead of belaboring those problems which divide us." We have it in our mortal hands to abolish poverty, disease, hunger, illiteracy and conflict.

Kennedy later went on to Philadelphia, where he declared that, if 1776 had brought America a declaration of independence, it was now time for a declaration of interdependence. That is, I think, our destiny — an interdependent world ready to challenge the global problems that exist and prepared to cooperate for common purposes. That is why this International Year of Cooperatives is important. That is

why so many people around the world will celebrate the principles of cooperation.

That is why, as Dame Pauline Green said so eloquently, we must now move on from a year of cooperation to declare a decade of cooperation, where people around the world will benefit from jobs, relief from poverty, a higher quality of life and environmental sustainability as a result of not only the efforts and endeavours, but also the ambitions and ideals, of cooperators everywhere.

The President: I thank the former Prime Minister of the United Kingdom of Great Britain and Northern Ireland for his statement.

Mr. Bayarmagnai (Mongolia): On behalf of the Government of Mongolia, it is a great honour and privilege to address the General Assembly at its sixty-sixth session in the plenary meeting on the launching of the 2012 International Year of Cooperatives. I wish to extend my delegation's warmest greetings to all participants in this important gathering.

The delegation of Mongolia is particularly pleased to highlight the fact that the launching of the International Year of Cooperatives coincides with the celebrations of the fiftieth anniversary of Mongolia's membership in the United Nations.

Cooperatives, as economic enterprises and as autonomous self-help organizations, play an important role in fostering inclusive and sustainable economic and social development, poverty reduction, employment generation and food security. They represent a model of economic enterprise which, when effectively implemented, promotes democratic and human values and environmental sustainability.

Cooperatives also promote social integration and cohesion, as they are a means of empowering the poor and marginalized groups. The cooperative sector, especially in developing countries, contributes to efforts to achieve the Millennium Development Goals by 2015. In recognition of the contribution of cooperatives to socio-economic development throughout the world and to further strengthen cooperatives worldwide, the United Nations declared 2012 as the International Year of Cooperatives.

Since its accession to the United Nations as a full-fledged Member State 50 years ago, Mongolia has been endeavouring to contribute to the common efforts of the international community by introducing a number of United Nations resolutions on important subjects, including on cooperatives in social development.

The International Year of Cooperatives seeks to encourage the growth and establishment of cooperatives world-wide. Strengthening cooperatives requires long-term efforts. Hence, the development of a road map or plan of action has been proposed to ensure the continued promotion of cooperatives and effective follow-up to the activities envisaged beyond the International Year of Cooperatives.

To help achieve those objectives, an expert group meeting on the theme "Cooperatives in social development: beyond 2012" was held in Ulaanbaatar from 3 to 6 May. The meeting was organized jointly by the Government of Mongolia, represented by the Ministry of Foreign Affairs and Trade and the Ministry of Food, Agriculture and Light Industry, and the United Nations, represented by the Division for Social Policy and Development of the Department of Economic and Social Affairs. Participants in the expert group meeting discussed the programme of activities for the 2012 International Year of Cooperatives and inputs for a draft plan of action beyond 2012.

In line with resolution 65/184 on cooperatives in social development, which invited Member States to consider taking action towards establishing national mechanisms, such as national committees, to prepare for, observe and follow up on the International Year of Cooperatives, the Government of Mongolia, by its resolution 112 of April 2011, has established a national committee to prepare for the International Year of Cooperatives. The Committee is chaired by the Deputy Prime Minister and represented by the relevant ministries as well as the representatives of cooperatives. The national committee has approved a plan of action to observe the International Year of Cooperatives. The plan envisages implementing a broad range of activities aimed at raising public awareness about cooperatives and their contribution to socio-economic development; promoting the formation and growth of cooperatives; establishing a legal environment conducive to the formation, growth and stability of cooperatives; organizing a campaign under the slogan "One province — two brands" and exhibitions with the broad involvement of cooperatives; and strengthening cooperation with the International Cooperative Alliance through project implementation.

The history of the cooperative movement in Mongolia dates back to the 1920s. However, it underwent a profound transformation in the 1990s, when Mongolia began its transition to a market economy.

The adoption of the Cooperative Law in 1998 and the National Programme for Cooperative Development, one year later, played a crucial role in creating a favourable environment for the formation and development of cooperatives. Mongolian cooperatives today represent the autonomous association of people united voluntarily to meet their common needs and aspirations through jointly owned and democratically controlled enterprises. They play an important role in socio-economic development by creating jobs and thus alleviating poverty. They have grown in number and in the services they provide. There are currently 2400 cooperatives successfully operating in such varied areas as the processing of raw materials, production, savings and credit, sale, supply and procurement, service, and housing construction.

Mongolia's economic growth and sustainable development, including food security, depend heavily on the agricultural sector. Special attention is therefore accorded to the development of agricultural cooperatives. More than 37 per cent of our population lives in rural areas and most are engaged in animal husbandry. Agricultural cooperatives play an important role in supporting small agricultural producers and marginalized groups such as young people and women. In that context, we welcome the initiative of the International Co-operative Alliance to celebrate the International Day of Cooperatives 2011 with the theme "Youth: the future of cooperative enterprise".

In conclusion, I wish to express my Government's strong support for the development of cooperatives world-wide.

Mr. McLay (New Zealand): New Zealand joins you, Mr. President, in expressing its condolences on the death of the Crown Prince of Saudi Arabia. Our sympathy goes to the royal family, to the Government and to the people of Saudi Arabia.

New Zealand welcomes the launch of the International Year of Cooperatives and supports the aim of promoting cooperatives and raising awareness of their contribution to social and economic development.

Compared with other countries, cooperatives serve a relatively large part of the New Zealand economy. Cooperatives operate in many of our business sectors, most notably in agriculture, but also in areas such as banking, financial services and retailing.

The earliest record of a New Zealand cooperative dates back to 1871, with the formation of the Otago Cooperative Cheese Company. Just eight dairy farmers purchased shares based on the quantity of milk they would supply to the cooperative, with each share having a value of £1, and representing the supply of ten quarts of milk. The general principles adopted by that cooperative were typical of those that have prevailed in cooperative societies and companies through to the present time. According to the Bloomberg business news service, New Zealand's largest business, Fonterra Cooperative Group Limited, is "the world's largest dairy exporter" and "accounts for about 40 per cent of the global trade in butter, milk powder and cheese, selling products in 140 countries". That, to quote International Co-operative Alliance President Dame Pauline Green, is "a serious business model with scale".

The scale and diversity of New Zealand's cooperative sector means that cooperatives play a key role in contributing to the achievement of the Government's economic objectives.

The values on which cooperatives are based, as expressed by the International Co-operative Alliance, are those of self-help, self-responsibility, democracy, equality, equity and solidarity. Those values are demonstrated in New Zealand's cooperative businesses, with their commitment to social and environmental goals. Cooperatives have played a significant role in the development of New Zealand communities, promoting qualities of independence and cooperation, and responding well to the needs of their communities.

New Zealand recognizes the importance of providing an enabling environment for the establishment and operation of cooperatives. A legal framework that facilitates the establishment and operation of cooperatives has existed for well over a century and is, at present, largely embodied in the Industrial and Provident Societies Act of 1908 and the Co-operative Companies Act of 1996. That legislation contains special features relating to shareholdings that

facilitate the conduct of business on a mutual basis and encourage continuous active participation by members of the cooperative. That legal framework provides the flexibility needed for cooperative enterprises to prosper and establishes structures that respond to the needs of cooperative members.

Mr. Zinsou (Benin), Vice-President, took the Chair.

Relevant Government websites promote awareness of the cooperative form and offer advice on how to register as a cooperative, thus enabling those who search online for information regarding New Zealand's regulatory requirements to consider whether the cooperative business model is appropriate to their particular circumstances.

Internationally, New Zealand's Aid Programme also recognizes that, under the appropriate circumstances, cooperatives in their various forms can promote economic and social development and contribute to the eradication of poverty. The Programme works with and accommodates different types of cooperative as found in different countries, including the association of pearl businesses in the Cook Islands and tourism associations in Samoa. New Zealand will play its part during the International Year of Cooperatives, with the New Zealand Cooperatives Association coordinating the New Zealand programme. Our planned involvement includes a cooperative research conference in June 2012, focused on the development of education programmes for professionals, such as lawyers and accountants, along with other public events.

Also, as part of its contribution to the International Year of Cooperatives, the Government has agreed to fund a statistical project that aims to estimate the contribution made by New Zealand cooperatives to the country's gross domestic product and employment. The resulting statistics will provide a basis for measuring the extent of cooperative activity, and will provide better information for future policy development.

Mr. Mikkonen (Finland): It is an honour for me to address this meeting as a representative of Finland and Chairman of the Finnish Cooperative Council. The cooperative organizations in Finland welcome the United Nations initiative to declare 2012 the International Year of Cooperatives. We believe that cooperatives can impact poverty reduction, employment generation and social integration. Cooperatives bring many benefits to society. Farmers can gain better access to markets by working together in cooperatives, consumers can buy their goods more cheaply in their own cooperative stores, and micro-credits given by local cooperatives can revive local economies.

Cooperation as a business model and enterprise form has proved to be successful in several developed countries, and Finland is often considered to be the most cooperative country in the world. Almost half of all daily goods are bought from cooperative stores; more than one third of all deposits are in cooperative banks; and the Finnish agricultural cooperatives have high shares of the Nordic market. For instance, more than 95 per cent of the milk produced in Finland is delivered to cooperative dairies. About 80 per cent of the adult population are members of cooperatives.

However, even in Finland, a very cooperative country, the cooperative model is still relatively unknown among the public. We are working tirelessly to make the cooperative model better known, and we have also achieved many good results throughout the years.

Today cooperatives are used as a tool for training in entrepreneurship in Finnish colleges. This educational programme, where students form, run and develop cooperatives for the marketing of their skills, has proved very successful. The programme has also been exported to colleges and universities in several other European countries.

In Finland, the cooperative business is exactly that: business — very pragmatic and very non-ideological. About 20 years ago, in the early 1990s, we started a project with the aim of promoting the formation of cooperatives in Finland. Finland experienced a difficult recession at that time, and we saw cooperation as a tool for solving many of the resulting problems. Forming cooperatives could provide services that municipalities have cut down on. Cooperation could be a tool for self-employment for the jobless and offer the possibility of developing the whole third sector area. The number of cooperatives in Finland has quadrupled since 1990.

I would like to conclude by once again emphasizing the potential value of the cooperative model in bringing about social and economic development in societies. Cooperatives can play a key

role in fighting poverty, creating employment and enhancing social integration.

Mr. Sinah (India): I am thankful to you, Sir, for giving me this opportunity to address the General Assembly. It is indeed an honour for me.

As we gather here to mark 2012 as the International Year of Cooperatives, it is most befitting that the United Nations is taking the lead in raising awareness about cooperatives as a progressive model of socio-economic advancement. Considering the role that cooperatives have played the world over in bringing about social change, rural development and raising economic productivity, this global recognition is long overdue.

The cooperative model of development has met with remarkable success in varied socio-economic contexts in both developed and developing nations. Yet its true potential as a means of socio-economic organization remains to be fully harnessed, and the model itself to be better understood by the larger global development community. Its space in global development discourse thus far has been limited. In fact, the internationally agreed development goals, including the Millennium Development Goals (MDGs), have not really focused on this people-centric development option.

They say that in every crisis lies an opportunity. There is a strengthened push for financial inclusion, promoting social protection and empowering small and medium enterprises and marginal farmers to act as levers against economic shocks. This has put forth cooperatives as a viable choice for social and economic action. We must fully capitalize on the situation.

India calls upon Member States, the United Nations system, civil society and the private sector to strongly advocate for the cooperative movement. This would be most timely, as the global community prepares to renew its commitment to sustainable development next year at the United Nations Conference on Sustainable Development (Rio+20).

The decentralized nature of the cooperative structure, based on popular participation and a bottom-up approach, makes it an ideal platform for local action. Cooperatives have contributed significantly to ensuring economic productivity and rural development; promoting social empowerment and cohesion; opening marketing channels for village and artisanal produce; and providing credit and input support to farmers, consumers and workers. Their catalytic role in national advancement, in both developed and developing countries, has been well recognized.

India's experience with cooperatives has been singularly successful. This has been duly noted by the Secretary-General in his report. Given that almost 70 per cent of our people are dependent on agriculture, it is natural for our cooperative movement to have an agricultural bias, both in credit and non-credit segments. Our national priority for poverty eradication, inclusive growth, women's empowerment and promoting self-reliance underpins the fundamentals of the Indian cooperative movement. In the process, we have constantly drawn inspiration from the father of our nation, Mahatma Gandhi, who desired to see village societies and cooperative farming at the centre of his idea of Gram Swaraj, or rural independence.

A unique feature of the cooperative movement in India is that the State has played an active role in it. We believe that such responsibilities are part of those of a developing State, especially in the early years of its existence. With the cooperative movement having gathered strength of its own, the Government is now largely playing a facilitator's role.

Cooperatives have been the lifeline of India's white revolution, or milk production, and have made us the largest producer of milk in the world. Milk cooperatives have been most successful in the dry parts of India, not the most ideal setting for dairy, making cooperative action even more noteworthy. The milk cooperative Anand Milk Union Limited (AMUL) is a household name in India, with its products available throughout the length and breadth of the country. Behind the AMUL brand stands a milk marketing federation, a union of 15,712 village milk cooperatives comprising 3 million milk producers, with a daily milk collection of 12 million litres and supported by 1 million retailers. In our State of Bihar, the milk cooperative under the brand name Sudha has made a significant contribution to ensuring healthy, nutritious and affordable food for the people of the great region of Bihar, the land of Lord Gupta.

The Indian Farmers' Fertilizer Cooperative Limited, the largest fertilizer-producing cooperative in Asia, is another stellar example of cooperative success in India. It has a membership base of more than 39,000 agricultural cooperatives throughout the country. It has

recently diversified to include insurance, information technology services and other developmental activities in rural areas, establishing new networks of group action to empower people.

There are a large number of other such success stories from the cooperative sector in India. Our cooperatives have shown impressive results in banking, sugar-cane farming, urban housing, fishery, poultry, home-based economic activities, the marketing of village produce and social welfare. India's cooperative action in providing affordable housing in the urban areas has been instrumental in making progress on slum development, an MDG commitment.

Given India's success in cooperatives, we have taken steps to integrate them fully into our planning and development process. We have established the National Cooperative Union of India, an apex body to guide and strengthen the movement. To support its growth and professional needs, we have established a network of cooperative management institutes. In order to improve the functioning of cooperatives, we are placing greater emphasis on consolidation and internal resource mobilization, meeting their training needs and reorienting the role of Government as a facilitator.

We live in uncertain times. New and emerging challenges of food security, energy access, the rapid pace of urbanization, the degeneration of natural resources and growing rural-urban inequality require enhanced collective action. We are compelled to do more with fewer resources. How do we do it? One of the answers lies in the cooperative movement. Let us do our best to protect, project and promote it.

Mr. De Antueno (Argentina) (*spoke in Spanish*): For Argentina, the promotion of cooperatives and an interdependent economy is a State policy. It thus fosters fair sustainable development, in which inclusion and social integration are the result of its direct action. Its potential to transform facilitates the implementation of new economic structures that make the economy more democratic to the benefit of the people and society.

Likewise, cooperatives help to eliminate poverty and to create employment through the production of high value-added goods and services and the participation of vulnerable social sectors. The national Government supports cooperatives through training and financial assistance, the development of programmes that help to increase their capacity, and the creation of a regulatory framework conducive to setting up and promoting such associations. In Argentina, cooperatives generate more than 50,000 jobs, contributing to more than 9 per cent of the gross domestic product. Currently, there are more than 14 million people working in more than 30,000 cooperatives and mutual associations. As unionized institutions and economies, democratically managed by their members, cooperatives are one of the fundamental pillars of the most important process of social inclusion in modern-day Argentina by fostering values of solidarity and cooperation.

That transformation can be seen in the increasing social inclusion. Depending on their sector of activity, cooperatives are the heart of our leap to efficient productivity. That can be seen in the percentages per sector: manufacturing 35 per cent, public services 16 per cent, farming 12 per cent, credit and financial assistance 6.7 per cent, among other areas.

We therefore welcome the initiative to declare 2012 International Year of Cooperatives. We hope that actions undertaken in that context contribute to its recognition as a promoter of the broadest participation of all people in economic development and that it encourages all States to take concrete measures towards its development and strengthening.

No one can dispute the fact that in today's Argentina, cooperatives are seen as one of the most effective means of demonstrating the economic, social and political power of the unionized economic sector. Together, they help to build a more just, united and inclusive country.

Mrs. Furman (Israel): The delegation of Israel appreciates this opportunity to salute the world cooperative movement. We welcome the General Assembly's decision to declare 2012 the International Year of Cooperatives (resolution 64/136).

The State of Israel was built on the foundation of strong cooperative movements. Cooperatives were a driving force in forging my country's advanced agricultural, industrial and transportation networks. Two of the world's most significant and successful cooperative business models were developed in Israel — the kibbutz and the moshav.

Cooperatives account for more than 90 per cent of agricultural production and 15 per cent of industrial production and industrial exports in Israel today. Israeli

cooperative enterprises are global leaders in the development, production and marketing of technologies that have revolutionized agricultural production, particularly in the area of irrigation. Farmers in every corner of the planet are using Israeli technology, developed in cooperatives, to improve crop yields, irrigate their fields more efficiently, and reduce their carbon footprint.

Israeli cooperatives continue to be at the forefront of social development in Israel. A combination of effective Government investment in basic infrastructure and the development of strong cooperative movements devoted to agricultural production has virtually eliminated rural poverty. Israeli cooperatives have enabled our rural populations to achieve standards of living that rank among the highest of any rural population in the world, while guaranteeing food security for the rest of the country.

Israel's cooperatives are significant drivers of development because they are independent, member-owned business enterprises. They are dedicated to meeting the needs of their members by successfully competing in globalized markets. In doing so, our cooperatives promote community self-reliance, collaboration and cohesion. They have also been at the forefront of advancing gender equality and women's empowerment within Israeli society.

Israel's cooperatives are significant employers. They provide jobs not only for cooperative members but also for hired labourers. All employees receive wages and enjoy working conditions that meet the standards of the decent work agenda of the International Labour Organization. Over the past century, Israel has witnessed first-hand the transformative power of cooperative movements. We know well that cooperative enterprises build a better world.

As we begin to observe the International Year of Cooperatives, the Government of Israel pledges to join others around the world to promote the growth of cooperative frameworks. We salute the International Co-operative Alliance and its member organizations on the eve of the 2012 International Year of Cooperatives.

Mr. Kodama (Japan): I would like first of all to thank Mr. Al-Nasser, President of the General Assembly, for his initiative in convening this meeting on the launch of the International Year of Cooperatives. I would also like to thank both Dame Pauline Green and Mr. Gordon Brown for their respective inspiring statements.

The philosophy of cooperatives first emerged in the mid-nineteenth century in Japan. Since 1900, when the Industrial Cooperative Law was enacted in Japan, agricultural producers, forestry owners, fishermen and consumers alike have organized cooperatives around the country. Recently, cooperatives in Japan have been strengthening their roles in the public sphere, including in fields such as medical care, welfare and child-care assistance, in addition to their traditional roles in economic fields such as agriculture, forestry, fisheries and banking.

At the international level, cooperatives in Japan have contributed to sustainable development in developing countries. One example is the development of agricultural cooperation in Asia, where the Institute for the Development of Agricultural Cooperation in Asia, established in Tokyo in 1963, has been operating with funds raised from agricultural cooperatives in Japan and with the support of the Japanese Government.

The aims of the Institute are to provide training and research services to those associated with the agricultural cooperative movement, with a view to advancing the cooperative movement and thereby promoting socio-economic development, primarily for Asian countries. In collaboration with the International Co-operative Alliance (ICA), the Institute organizes various joint training courses, including courses on safety and quality management for agricultural products, the revitalization of local communities by rural women and fostering core leaders of agricultural cooperatives.

The Great East Japan Earthquake in March this year provided an opportunity to renew our belief about the important role that cooperatives can play in post-disaster recovery and reconstruction, as mentioned in the Secretary-General's report on cooperatives in social development and implementation of the International Year of Cooperatives (A/66/136). Although cooperatives in the area, especially agricultural and fisheries cooperatives, were severely hit by the calamity, in the spirit of mutual help cooperatives throughout Japan carried out relief activities, providing food, drugs and other necessities, as well as dispatching medical doctors, nurses and volunteers to the devastated areas. We would like to convey our

sincerest gratitude to cooperatives around the world for the warm support they provided to our country through the ICA.

After the General Assembly declared 2012 the International Year of Cooperatives (resolution 64/136), in August 2010 Japan launched a national planning committee for the International Year of Cooperatives 2012 as a unified national body to pull resources and efforts together in making the Year successful and fruitful. The committee consists of over 100 people from various fields, including cooperatives, non-governmental organizations, academia, consumer organizations, the media and business organizations. The committee aims to increase public awareness of the values and roles of cooperatives and to take measures to further promote the development of cooperatives.

In preparation for the Year, the committee is already working on the creation and distribution of information materials on the International Year of Cooperatives. In 2012, the committee is planning to hold several events in Japan, including an opening event for the Year in January, a central meeting for the International Day of Cooperatives in July and a festival of cooperatives next fall.

In conclusion, we are hopeful that we can promote greater awareness and understanding of cooperatives through the International Year of Cooperatives and of the ways in which cooperatives contribute to sustainable development throughout the international community.

Mr. Schaper (Netherlands): I would like to begin by welcoming this discussion on cooperatives.

The Netherlands has a very strong history when it comes to the cooperative movement. As early as the nineteenth century, groups of farmers and entrepreneurs started organizing themselves to arrange for collective marketing, purchase and procurement of inputs and for collective banking and insurance systems.

Some of our largest companies in the Netherlands are based on the cooperative model. For instance, cooperatives are market leaders in several agricultural subsectors. Examples are the dairy company FrieslandCampina and the flower auction FloraHolland, both leaders in their sector. One of the largest banks in the Netherlands, the cooperative bank Rabobank has its roots in the agricultural sector. This morning at the informal round table, the Chairman of the Board of the Rabobank Group, Mr. Moerland, who is present here today, elaborated on the role of the cooperative bank. For example, it provides inclusive finance and strengthens value chains in the agricultural sector.

On the Government side, three weeks ago our Minister for International Cooperation addressed a conference of chairpersons and directors of cooperative companies in the Netherlands. He emphasized that our agricultural sector in particular, but other sectors as well, have thrived on the cooperative model throughout the years. Indeed, cooperative companies do relatively well in these years of economic turbulence, as they are owned by the farmers and entrepreneurs themselves, and are therefore not exposed to the caprices of shareholders on the stock exchange.

We believe that another very important feature of the cooperative movement is that both large and small entrepreneurs and farmers are members of the same cooperatives, all benefiting from economies of scale — an interesting example, I would say, of inherent inclusiveness.

At the international level, in the context of the Government's policy with respect to food security, the Netherlands supports a programme called Farmers Fighting Poverty. This €50-million programme is meant to strengthen organizations and cooperatives of farming men and women. Through the programme, the Dutch cooperative companies support their partner organizations and cooperatives in developing countries. For instance, The Greenery, a leading international fruit and vegetable supplier, successfully introduced Ugandan horticulturist associations to European buyers. The Dutch cooperative CR Delta assisted Rwandese and Indian farmers in cattle improvement. Employees of FrieslandCampina support local milk-chilling cooperatives in Kenya in the establishment of processing facilities.

The Netherlands did not establish a formal national committee for 2012. We feel strongly that the cooperative companies should take the lead themselves. However, the Government is, of course, in close contact with the national cooperative movement. During the year, several events will be held in the Netherlands to draw attention to the cooperative movement.

To conclude, I would like to re-emphasize that the cooperative model has been a success in our country and that it is our hope that we can support other countries on their road to economic independence by sharing knowledge and experience.

Mr. Srivali (Thailand): At the outset, my delegation would like to express our appreciation to the Mongolian Government, the principal sponsor of the resolutions on cooperatives in social development, as well as the Department of Economic and Social Affairs and relevant United Nations specialized agencies for their efforts in coordinating and organizing activities for the 2012 International Year of Cooperatives.

Thailand, a sponsor of the resolutions on the role of cooperatives adopted by the General Assembly and the Economic and Social Commission for Asia and the Pacific, is pleased to participate in this special plenary meeting to proclaim 2012 the International Year of Cooperatives. This meeting presents a unique opportunity for the General Assembly to recognize the contribution of cooperatives to economic and social development, which can contribute to achieving internationally agreed development targets, such as the Millennium Development Goals.

My delegation welcomes the report of the Secretary-General on cooperatives in social development and implementation of the International Year of Cooperatives (A/66/136). We fully concur with the report that cooperatives provide a framework that enables the self-empowerment of the poor and other marginalized groups through community self-reliance, collaboration and cohesion. The cooperative principles of self-help and collective action also promote empowerment and participation, which enable the poor to become active participants in the improvement of their own livelihoods and economic futures.

Thailand has long recognized that cooperatives are important partners in the implementation of the development agenda. As my Foreign Minister recently stated during the general debate (see A/66/PV.28), Thailand firmly believes that sustainable development is a key foundation for durable peace and that the development agenda must be people-centred. In keeping with that policy and its sustainable implementation, Thailand reiterates its firm belief that community-level ownership must be promoted and special attention paid to empowering the impoverished and the marginalized. In that light, self-help groups such as cooperatives can provide communities with an economic and social space in which the impoverished and the marginalized can gain access to and become part of the cooperative system, thereby gaining employment, raising income and reducing poverty.

At this meeting, my delegation would like to reaffirm Thailand's continued support to cooperatives and reiterates that Thailand will continue to encourage and facilitate their establishment and development. The Royal Thai Government's macroeconomic policy on cooperatives has always been clear. We have worked to enhance the capacity of our cooperatives as part of efforts to promote, support and protect them and preserve their autonomy, in accordance with our Constitution. The Royal Thai Government has been working in an integrated way with stakeholders to find ways to achieve that goal. The Ministry of Agriculture and Cooperatives, which is mandated to promote and develop the cooperative system in Thailand, is a prime example of my country's commitment in that regard.

As we draw nearer to the year 2015, our hopes of achieving the Millennium Development Goals will need our renewed attention and enhanced collective efforts. We will need to enlist help from all actors and promote greater public participation, especially of the impoverished and the marginalized, in order to achieve our development targets in a sustainable manner and look beyond 2015. Thailand firmly believes that cooperatives can contribute to achieving that goal. We therefore urge all Member States to take this unique opportunity to rediscover cooperatives as important partners in our development agenda in 2012 and beyond.

Mr. Quintaes (Brazil): Brazil welcomes this special meeting devoted to the official launch of the International Year of Cooperatives 2012. The Brazilian Mission is very pleased to participate in today's meeting and commends the excellent statements that have been made on this important issue.

Allow me at the outset to express our gratitude to the Secretary-General for presenting his report on cooperatives in social development and implementation of the International Year of Cooperatives (A/66/136). I would also like to pay tribute to the Department of Economic and Social Affairs and to the Committee for the Promotion and Advancement of Cooperatives for their excellent work in preparation for this International Year and its events.

In their early years, cooperatives were seen as an alternative by those who were excluded from the formal labour market during particularly difficult economic times. Now, however, cooperatives are present in all countries, in a variety of sectors ranging from agriculture to financial services. They are increasingly responsible for an important part of economic growth and income generation, especially in the fastest-rising economies of the world. In developing countries, given their particularities and democratic nature, cooperatives have proven to be a particularly effective economic activity, a viable alternative for attaining sustainable development and an essential contribution to the achievement of the internationally agreed development goals, mainly the Millennium Development Goals.

Cooperatives can be traced back to the early stages of Brazilian history. Our long and successful experience with cooperatives provides a good example of how local capacities can be harnessed when the adequate legal frameworks and public policies are put in place to foster the creation and development of cooperative enterprises.

Today, Brazilian cooperatives are responsible for a significant part of gross domestic product growth and have a considerable level of participation in the economy, especially in the agricultural and microfinance sectors. They also show impressive results in creating jobs, distributing income and facilitating more equitable participation in decision-making processes at all levels.

Cooperatives are also playing a critical role in achieving and ensuring food security. Through the Brazil Without Poverty plan launched in June, the Brazilian Government is purchasing corn seeds from agriculturai cooperatives to be distributed to people living in extremely vulnerable situations in rural areas.

Brazil was the first country in Latin America to have a credit union. Today, Brazil ranks thirteenth in the world in the number of financial cooperatives. Cooperatives account for 17 per cent of bank branches in the country and are an important tool for granting access to formal credit and ensuring a more inclusive financial sector so as to benefit populations underserved by traditional commercial institutions.

At the 1995 World Summit for Social Development, Member States committed to utilizing and fully developing the potential and contribution of cooperatives for the attainment of social development goals, in particular the eradication of poverty, the generation of full and productive employment and the enhancement of social integration.

Likewise, International Labour Organization Recommendation No. 193 states that

> "measures should be adopted to promote the potential of cooperatives in all countries, irrespective of their level of development, in order to assist them ... to create and develop income-generating activities ... develop human resource capacities ... strengthen their competitiveness ... and contribute to sustainable human development".

In addition to Government support, the international community, in particular the United Nations system, could take various actions to assist cooperatives in developing their full potential. The World Food Programme Purchase for Progress initiative provides a good example of a set of actions guided by the spirit of the World Summit for Social Development. Through that initiative, the World Food Programme supports agricultural cooperatives by promoting their participation in food procurement. Other United Nations agencies, funds and programmes should consider replicating that experience by facilitating purchases from local cooperatives through in-country programmes, especially in the least developed countries and countries emerging from natural disasters and conflict.

As indicated in the Secretary-General's report, cooperatives may play an important role in peacebuilding and recovery settings based on common interests, including the promotion of dialogue and economic activities that contribute to social integration and cohesion.

By launching this International Year of Cooperatives, the General Assembly has reinforced the international commitment to supporting and fostering the creation of cooperatives, and has also recognized their invaluable role in improving social and economic well-being through the establishment of a viable, dynamic and distinctive sector of the economy. We believe that the International Year of Cooperatives will help to highlight the importance of establishing adequate legal frameworks and viable financial mechanisms to ensure the sustainability and economic viability of cooperatives.

Mrs. Onwuliri (Nigeria): I wish on behalf of my delegation to commend President Al-Nasser for the effective conduct of the affairs of the General Assembly since the beginning of this session, and to state that I feel highly honoured to have the opportunity to address the General Assembly at its sixty-sixth session on this important day of the launch of the International Year of Cooperatives 2012. Please be assured of Nigeria's continued support and cooperation towards the successful conclusion of the session.

Nigeria strongly supports the successful launching this morning of the International Year of Cooperatives, in fulfilment of resolution 65/184. The conclusions of the informal round table discussions held earlier today should serve to build the necessary cooperative and collective efforts to address the socio-economic and political problems confronting humankind in our time.

The launch of the International Year of Cooperatives, following the proclamation of 2012 as the year for promoting and raising awareness of the capacity and capability of cooperatives, is a seminal event. Indeed, it is a milestone that is critically important in addressing the socio-economic well-being and living standards of all peoples, by which I mean the quality and, indeed, the dignity of life.

At a time of global financial crisis, food shortages, fluctuations in fuel supply and environmental degradation, it has become increasingly challenging for the public sector to provide all of the resources and, indeed, to lead all of the initiatives aimed at national socio-economic development. In such circumstances, many nations, especially developing countries, have been compelled to undertake major reforms in order to address a dwindling financial sector and expand the productivity base through partnerships with the private sector and non-governmental organizations.

The major focus has been on pooling resources across all sectors and comprehensively involving all stakeholders to address key development issues and questions. Therein lie the wisdom of and key factor in the adoption of resolution 65/184, which was designed to raise public awareness on the pivotal role that cooperatives could play in socio-economic development in general, and in achieving the Millennium Development Goals in particular. To that end, it is incumbent on every Member State to develop viable national policies and enact national legislation to promote the growth of cooperatives.

Nigeria appreciates the steps being taken by the United Nations system to ensure the success of 2012 as the International Year of Cooperatives, particularly in the area of agricultural and small trade cooperatives. We recognize the efforts of the Food and Agriculture Organization and the International Labour Organization in their plan to integrate the promotion of cooperatives into their work. Also, key United Nations departments, such as the Department of Economic and Social Affairs and the Department of Public Information, have also embarked on useful and exploratory communication and outreach initiatives.

It is vital that the United Nations entities charged with the responsibility for vulnerable peoples and groups, including women, should find the adoption of effective cooperative strategies useful in discharging their mandates. It is also encouraging that many countries have established national committees for the International Year of Cooperatives, as called for in the resolution.

Nigeria is in the process of establishing such a committee, in accordance with the resolution, and supports all international, regional and subregional initiatives on cooperatives. At the national level in Nigeria, umbrella organizations for cooperatives already exist, including the National Association of Cooperative Credit Unions of Nigeria, which have been mobilized for the activities of the International Year.

Nigerian President Goodluck Ebele Jonathan's transformation agenda is aimed at building an inclusive society where job creation constitutes a major pillar for economic growth, providing cheap and long-term capital for businesses, establishing micro-finance banks, removing barriers to increased productivity, improving the environment for doing business, and therefore aptly encapsulates the key tenets of cooperatives.

Through the operationalization of the presidential committee that he inaugurated in 2010 to devise ways of enhancing Government programmes on job creation and poverty reduction, a 5-billion naira business and development fund was established by the Bank of Industry, in collaboration with the Dangote Foundation, to provide soft loans to entrepreneurs engaged in

micro-, small and medium-scale businesses in the country. The fund will grant entrepreneurs access at an overall single-digit interest rate of 5 per cent and will be utilized for term loans, working capital loans, leasing of industrial or business equipment, trading and allied businesses.

In addition, the President's Administration will continue to support infrastructure for the development of small and growing businesses by boosting the $500-million intervention fund already in place to enable the Bank of Industry and the Nigerian Export-Import Bank to continue to lend at single-digit interest rates, to facilitate the increased access of small businesses to finance, as well as to develop Nigeria's enterprise culture. Enterprise development centres, industrial clusters and job centres are also to be established to collaborate with the small- and medium-scale enterprises development agency of Nigeria and 23 enterprise development centres across the country, and to provide business skills training aimed at improving the managerial capability of entrepreneurs.

At the continental level, the African Confederation of Cooperative Savings and Credit Associations is undertaking the responsibility for promoting and empowering cooperatives across the continent. Such initiatives would benefit not only from this global process, but also from the forthcoming African Heads of State Summit on Cooperatives in Lomé, Togo, in January 2012.

For centuries, farmers and traders in Nigeria have used cooperative societies to promote individual and community development. Farmers regularly pool human and material resources to procure farm inputs, while traders — through a contribution system locally referred to as isusu — operate small-scale savings accounts, especially for raising capital for members in rotation. In recognition of the tradition of Nigerian communities, Government continues to promote and strengthen cooperatives, including by establishing financial loans and credit schemes and by encouraging banks to set aside a portion of their loan portfolios for cooperatives.

The International Year of Cooperatives will provide ample opportunity to further promote and strengthen the traditional practice that seems to come naturally to Nigerians. It will also provide the opportunity, through meetings and conferences, to take advantage of the best practices of other countries and regions, as well as initiatives at the level of the United Nations. It is imperative that we improve the image of cooperatives and strengthen them as modern, responsive and locally-beneficial business models.

Nigeria could not agree more with the Secretary-General's conclusion that cooperatives are rooted in their communities and thereby able to develop enterprises aligned with the social, cultural and economic needs and vision of their communities. Nigeria fully recognizes cooperatives as a basic unit of society and deserving of our unreserved support. We must promote a better understanding of their functions and challenges. Cooperatives, if properly channelled, will contribute immensely to societal well-being and a better world.

Ms. Plaisted (United States of America): The United States fully supports the International Year of Cooperatives. Cooperatives and credit unions play a major role in the United States economy. More than 125 million Americans belong to over 7,000 cooperatives in agriculture and agribusiness, finance, rural electrification, communication, housing, consumer goods and retailing.

Throughout the history of United States cooperatives, state Governments and the federal Government have encouraged cooperation and regulated cooperative enterprise, while recognizing that successful cooperatives are those that serve their members' interests. The result has been a strong, autonomous cooperative movement that plays a major role in the United States economy, with revenues exceeding $230 billion.

In particular, the United States Department of Agriculture (USDA) has 80 years of experience in supporting and implementing cooperative programmes. The USDA Rural Development Cooperative Services Program promotes the understanding and use of the cooperative form of business as a viable organizational option for marketing and distributing products. Cooperatives are a cornerstone of business development in rural communities, whether in the traditional form that provides day care services to rural communities, or in the form of today's new generation of biofuel cooperatives, which lessen our dependence on foreign oil.

Cooperatives provide rural residents with new job opportunities, enhanced educational and health-care services, and products that enable them to compete in

today's global enterprises. The USDA Cooperative Program provides assistance for rural residents interested in forming new cooperatives, administers programmes that fund value-added producer grants and rural cooperative development centres, and provides assistance to small socially-disadvantaged producers.

In addition to our domestic cooperative programmes, the United States also provides international development assistance in partnership with cooperative development organizations, drawing on the experience and expertise of United States cooperatives in economic development programmes. Some of the projects we have supported include creating an international credit union movement with more than 72 million members, building rural electric systems in the Philippines and Bangladesh that serve close to 50 million households, and helping to establish the Indian Farmers Fertiliser Cooperative Limited that today is one of the world's most successful fertilizer firms.

The United States is happy to participate in this launch of the International Year of Cooperatives, which we hope will help raise awareness of the benefits of cooperatives.

Mr. Ivymbaliuk (Ukraine): On this remarkable day to launch the International Year of Cooperatives, it gives me pleasure to convey to all this message of solidarity from the Ukrainian cooperative community. The cooperative movement in my country has a long history, dating back to as early as 1870. Ukraine now enjoys a large and developed cooperative sector that is considered an important factor for economic development and improved livelihoods. The nation's consumer, credit and agricultural cooperatives and the products and services they produce provide significant employment and social benefits. Ukraine's cooperative sector employs nearly 1.7 million people, many in rural areas, and accounts for more than $125 million in budget revenues.

I cannot fail to mention the numerous Ukrainian cooperative credit unions — here in the United States of America and in Canada, Argentina, Brazil and many other countries — that have united millions of Ukrainians and demonstrated great success even under the difficult conditions resulting from the global economic and financial crisis.

The cooperative unions and the Government of Ukraine have recognized the importance of the International Year of Cooperatives and plan to actively support the initiative. It will provide us with an opportunity to spread cooperative values and principles at the local and national level. In accordance with the relevant provisions of General Assembly resolution 65/184 on cooperatives in social development, the cooperative unions of Ukraine have launched preparations to draft a programme to promote the cooperative movement, to be submitted to the President of Ukraine.

In honour of the International Year, cooperative unions and executive authorities are considering plans for promotional and publicity events to increase awareness of the contribution of cooperatives to employment generation and to socio-economic development. Those will include an official observance ceremony, a scientific conference on the cooperative movement in Ukraine, a media campaign, various exhibitions and junior contests, as well as cooperative charity initiatives to support vulnerable groups of the population.

As we move into the International Year, the Central Consumer Union of Ukraine will seek to better integrate into the world cooperative community, including by applying for membership in the European Community of Consumer Cooperatives.

In this International Year of Cooperatives, we must seize the momentum in order to promote the central idea behind the cooperative movement, namely, to better address the needs of humanity and build a better world. For its part, Ukraine will actively endeavour, along with other Member States, to give concrete substance to the spirit of the International Year of Cooperatives. We believe in the success of the cooperative model in our country and throughout the world. That model should be supported by Governments, international organizations and, what matters most, by the daily dedicated work of every member of the world cooperative community.

Mr. Orozco (Guatemala) (*spoke in Spanish*): We wish to speak in this important forum to acknowledge the United Nations for having declared 2012 the International Year of Cooperatives. I think this is a good time and a special opportunity to commemorate and recognize the pioneers of the cooperative movement. I do not know if they ever imagined that one day we would be speaking here and remembering them, because there are nearly 1 billion cooperative

members around the world, and that is extremely important.

The delegation of Guatemala is also honoured to be participating in this meeting of the General Assembly to acknowledge and pay tribute and to say that this is an opportunity and a challenge for all members of cooperatives around the world, particularly Guatemala. In this recognition by the United Nations we see a challenge and an opportunity to continue with our work in our countries and communities and all over the world. We are also honoured to recognize our representative in the Organization, Mr. Gert Rosenthal, who had the honour of co-sponsoring the original resolution 64/136 on this topic on behalf of our country.

Guatemala also feels that we are here recognizing the work that cooperative members have accomplished, particularly in recent years. It has not been easy. At times we have been misunderstood, particularly during the armed confrontation, but thanks also to this Organization, we have been able to advance Guatemalan society. In Guatemala, there are more than 1.3 million cooperative members, representing 5 million Guatemalans, and we are honoured that the cooperative movement, through its association and philosophy, has given us the opportunity to develop and to foster our families' and our country's well-being. We would like to state that we in Guatemala are also honoured by the fact that of our 1.3 million cooperative members, 43 per cent are women, a fact of which we are proud. This is also in line with the resolution adopted by the United Nations, which recognizes that the cooperative movement has the potential to include every stakeholder of all various kinds.

In our country, little by little and year by year, we are changing our traditional ways of doing things, and in cooperatives we are now seeing men, women, the elderly, and indigenous and non-indigenous people. We have been able to show that through our cooperative enterprises we have been able to pool our efforts and resources and to demonstrate that these can compete with other types of enterprise, which we respect. We have become the best coffee producers, and we are now the main exporter and national producer of coffee in Guatemala. Thanks to the cooperative organization, we have been able to begin producing cardamom and are now the main producer of organic cardamom. We have also been able to give close attention to the environment and in the last 15 years have planted 30 million trees, another element in line with this meeting's concerns. No other institution, enterprise or Government entity in Guatemala has achieved what we have been able to do with regard to the environment.

We have been able to develop the capacity to enter new areas of activity for developing our companies. A little more than 10 years ago we decided to move into banking, and, together with other sectors — rural women, Mayan groups, small companies, and the Government, as a shareholder — we created the Rural Development Bank. We can now state that we are the largest bank in the country and the ninth in the Central American region. We are democratizing the banking economy in rural areas through our cooperatives, and with more than 900 agencies, we are now in every community — in mountains and in huts, all these people can get to a bank, but a bank with a human face.

We have thus shown our country and the world that improvements can be made. Every day we are becoming more inclusive. Our distribution of wealth is also developing horizontally, unlike the wealth distribution that we have experienced in earlier years, and the cooperative organization is a testament to this. We in Guatemala are not angry, because we are busy working, because we genuinely have a socially responsible economy. That is why we feel so inspired by the content and message of this declaration.

In conclusion, let me say that this is what we have demonstrated and continue to demonstrate in our cooperative organizations and in our country. We are also working very hard to achieve the Millennium Development Goals. We would like, therefore, to thank President Al-Nasser for this important declaration, but most importantly for having convened this plenary meeting to launch the international year, which is why we are working together with so many cooperators throughout the world and are happy to be here at this event on behalf of all those who were not able to make the trip.

Mr. Haniff (Malaysia): The General Assembly declared 2012 as the International Year of Cooperatives in its resolution 64/136. Mandated by the General Assembly, the global launch of the International Year of Cooperatives aims to increase public awareness about cooperatives and their contributions to socio-economic development and the achievement of the Millennium Development Goals, as well as to

promote the formation and growth of cooperatives worldwide.

With the theme "Cooperative enterprises build a better world", the Year seeks to encourage the growth and establishment of cooperatives all over the world, highlighting the contribution of cooperatives to socio-economic development, particularly their impact on poverty reduction, youth, ageing, disabled persons and family.

It is undeniable that broader livelihood and ecological changes have taken place in the world community following disruptions in the food chain and energy security; we must also not forget the threats of climate change. In a different arena, we also have an emerging generation that relies on social media in an essential way. Young people collaborate with one another through social media. They are temperamentally predisposed toward working together and connecting with one another, two aspects of cooperation that are essential to our goals. By combining those two factors, the International Year of Cooperatives is a well-timed event that represents the depth of understanding of the entire cooperative movement.

The 1995 World Summit for Social Development in Copenhagen stands as one of the achievements of contemporary international governance. That meeting brought Governments together to reach a consensus on the need to put people at the centre of development. It recognized, among other things, that national development and the development of the intrinsic value of people as a whole and that individuals as the components of that whole were interrelated, mutually dependent and absolutely necessary. The follow-up to that summit, the twenty-fourth special session of the General Assembly in 2000, further expanded perspectives on the protection and promotion of social development and provided specific targets and strategies for setting and achieving social development objectives.

While there has been some progress in implementing the goals agreed on at the World Summit for Social Development and the twenty-fourth special session of the General Assembly, such achievements still remain hostage to the contemporary instability in global and national financial markets, as well as to challenges caused by the fuel and food crises. Those challenges delay, and at times derail, the main policy efforts of national Governments, which are needed to achieve long-lasting social development, economic growth, employment generation and increased productivity. In addition, the free-for-all of the liberalization of the financial sector has not been accompanied by the requisite safeguards of corporate and market responsibility and discipline.

The purpose of development is to create a favourable environment so that people can enjoy healthy, safe and creative lives. Pure development cannot guarantee social harmony in a pluralistic society like Malaysia. Our national development has always emphasized growth with equity. Malaysia believes that importance should be given to programmes that will improve the population's quality of life by providing essential social services, such as primary health care and various types of financial assistance. As it has in the past, the Government will continue to sequence a mix of economic and social policies to ensure that economies and social goals are met simultaneously.

Allow me now to touch on questions relating to youth, ageing, and disabled persons. The social agenda of Malaysia's national policies, through the nation's New Economic Policy, make both implicit and direct reference to the creation of a "caring society". Malaysia believes that the success of a nation is reflected not only in economic terms but more importantly in social development. There seem to be great difficulties in determining the right formula for a nation's success, particularly in the social sector. However, since its independence, Malaysia has been active in developing and prescribing policies that provide various goods and services to its people, including the elderly, persons with disabilities, family and youth, enabling them to take advantage of and share in the wealth and prosperity of the nation.

There are 12.5 million Malaysian young people, accounting for about 43 per cent of the population. In terms of structures, mechanisms, policies and plans, the Government of Malaysia ensures a full range of necessary support systems to guarantee youth participation and empowerment at all levels. The Government continues to engage with the younger generation through nationwide events. For example, in May 2011, when National Youth Day was celebrated to honour the youth of the country, Putrajaya, which houses the Federal Government Administrative Centre, turned into a sea of young people. The celebration included a youth convention that discussed future

avenues for the transformation of youth. Putrajaya has also been officially declared as a youth-friendly city.

With respect to ageing, although the proportion of our population characterized as "older persons" is not currently as high as in some developed countries, Malaysia has a rapidly ageing population. Older persons constituted 4.3 per cent or 1.2 million of the total population in 2005. This number is expected to grow to 3.3 million, or 9.8 per cent of the population, by the year 2020.

Realizing the socio-economic implications of an ageing population, the Government of Malaysia has taken proactive steps to improve the status of older persons. A new national policy and a plan of action for older persons are also expected to be implemented by the end of 2011. There are various strategies and improvements included in the new policy and plan that will meet the current and future needs of the ageing population.

With regard to the social development issues that affect persons with disabilities, the Persons with Disabilities Act 2008, which was passed by Parliament in December 2007, came into force on 7 July 2008. That Act provides for the registration, protection, rehabilitation, development and well-being of persons with disabilities, the establishment of the National Council for Persons with Disabilities, and for related matters. The act aims to ensure that the rights, interests and welfare of persons with disabilities are protected. In addition, the Act is also intended to assist persons with disabilities in seeking a better life and to enable them to contribute to national development.

Malaysia believes that it is important to promote healthy families through information on health and disease prevention, family planning, nutrition and child development programmes, as well as by teaching parenting skills, which include child upbringing and discipline, interaction and communication between parents and children, and improving self-esteem. In addition to promoting intellectual and emotional development, programmes aimed at developing family members who are confident, responsible, considerate, hardworking and dedicated are vital to the family.

People are the core and the key to development. Investment in people's well-being is equivalent to investing in the future well-being of all societies, and in progress and peace. This is the time to empower and strengthen the family, youth, the elderly and the disabled to address future challenges.

Mr. Momen (Bangladesh): As one of the regular sponsors of the Third Committee draft resolution on cooperatives, it is a pleasure for my delegation to speak at today's plenary meeting devoted to the launch of the International Year of Cooperatives 2012. The history of cooperatives in our part of the world dates back to the British colonial period. Starting its journey in 1904 with the aim of raising agricultural production and rural economic advancement through production and processing services, the cooperative movement has expanded into other sectors of the economy, such as fisheries, dairy, housing, microfinance and the service sector. Over the years, the movement has evolved to become a tool for social transformation.

The success of agricultural cooperatives following our independence in 1971 was possible because of the patronage of the Government of Bangladesh. Cooperative ownership and State patronage of it were enshrined in our Constitution. The Constitution mandates cooperatives as one of the three modes of ownership — public, cooperative and private.

Since 1972, two systems of cooperatives have been practiced in Bangladesh — traditional cooperatives, under the Department of Cooperatives, and two-tier cooperatives under the Integrated Rural Development Programme, later institutionalized in the Bangladesh Rural Development Board. The cooperatives under the Programme followed the Comilla Model, which is a time-tested model. Huge investments were made in both systems. Consequently, cooperative societies increased phenomenally. As of June 2009, the number of primary cooperative societies stood at 163,000 and the number of members of those societies was around 8.5 million. The working capital of those societies was BDT 19.09 billion, which is equivalent to $260 million.

At the same time, there were 21 national cooperative societies and 1,107 central cooperative societies. For example, Milk Vita, the trade name of the Bangladesh Milk Producers' Cooperative Union Limited, one of the major national cooperatives of Bangladesh, known for providing quality dairy products, is a successful example of small-scale cooperative milk production.

Within the Government structure, we have a separate Department of Cooperatives, under the

Ministry of Local Government, Rural Development and Cooperatives. To ensure maximum penetration, we have cooperative offices up to the subdistrict level. To celebrate the International Year of Cooperatives, we have already designated a focal point in the Ministry.

In conclusion, I would like to report that the Government of Bangladesh is now working on the formulation of its National Cooperatives Policy 2011. In Bangladesh, every year, the first Saturday of the month of November is observed as National Cooperative Day. We recognize that cooperatives present opportunities in social awareness-building, entrepreneurship development and community-based programmes and activities. Hence, the launching of the International Year of Cooperatives 2012 will give us an opportunity to take stock of our successes and failures and to chalk out a future course of action, because we believe that our ultimate goal of eradication of poverty is closely tied to the success of our cooperatives.

The Acting President (*spoke in French*): We have heard the last speaker in the debate on this item.

Having followed our work throughout the day, I would like to offer a short summary of our deliberations.

(*spoke in English*)

Today's events have underscored the unquestionable importance of the year ahead, the International Year of Cooperatives. Our speakers this morning reinforced the urgent importance of the cooperative enterprise model and its potential to drive forward sustainable development. As speakers have stressed all day, the model itself is one that arose as a response to crises and hardship, not unlike those that we are experiencing today, and it has proven successful in curtailing the detrimental impacts of those crises. We have often overlooked it, however, in exploring and devising pathways to productive, inclusive, sustainable societies.

We were very inspired by the statements made by the President of the General Assembly, Deputy Secretary-General Asha-Rose Migiro and Cooperative Representative Dame Pauline Green, the powerful statement by His Excellency Mr. Gordon Brown, former Prime Minister of the United Kingdom, and by the comprehensive presentation given by Mrs. Viola Onwuliri, Minister of State for Foreign Affairs of Nigeria. We have all — the speakers I have mentioned along with those from the Member States — highlighted the contribution of cooperatives to sustainable development as a model of economic organization fostering poverty reduction, employment generation and social inclusion and integration. We have also stressed the importance of partnership with Governments. The strong cooperative movement is an integral part of developmental progress, and it can contribute significantly to the achievement of internationally agreed development goals, including the Millennium Development Goals.

The 2012 International Year of Cooperatives presents an opportunity to advance a vision of sustainable development that is both viable and responsible and that can contribute to the democratization of the world economy. Many States already have in place or are preparing to put in place national committees, as suggested in resolution 64/136. Many actions have been outlined, including the forthcoming summit of African Heads of State on cooperatives to be held in Lome in January 2012.

Today we are kick-starting a process of worldwide action to ensure that the International Year of Cooperatives meets its objectives. We have spoken today of building the capacity of cooperatives to compete in an increasingly globalized economy and of leveraging their potential for employment generation and inclusive development, while ensuring their autonomy and recognizing their different legal and regulatory needs.

By raising our citizens' awareness of the benefits that cooperatives offer to improve their livelihoods and by working with all relevant stakeholders to ensure the fair participation of cooperative enterprises in our economic system, we are at once bolstering our economic capacity and empowering communities. I thank all who have spoken today for their contributions, and I look forward to the events that the International Year of Collectives will bring. As we work together with and for cooperatives, we truly will build a better world.

(*spoke in French*)

The plenary meeting devoted to the launch of the year 2012 as the International Year of Cooperatives is now concluded.

The Assembly has thus concluded this stage of its consideration of sub-item (b) of agenda item 27.

The meeting rose at 5.50 p.m.